



PLANNING APPEAL STATEMENT OF CASE

BY

KNIGHT ARCHITECTURAL DESIGN LTD.

AT

11 WARBLINGTON ROAD, EMSWORTH

FOR

APP/17/01089 ERECTION OF 1NO. 5 BED
DWELLING.

O.B.O

MR. TIM FRENCH

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1.0 APPEAL SITE AND SURROUNDINGS

1.1 - The application site is a large detached two storey property with integral and attached garages, situated on a generous plot, with the property located to the west 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, through the consent of APP/17/00940 and a successful drop kerb application a new vehicular entrance has been provided to the RHS of the existing opening when viewed from the highway. 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 North east at 9 Kinnell Close, a detached chalet style dwelling is to the west, a newly constructed chalet style dwelling and detached bungalow are on the opposite side of the highway 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 on the opposite side of the highway from the application site, two and three storey dwellings behind the site and to the north east and chalet style dwellings to the west all of similar and individual age, style and design.

1.3 – Heading down Warblington road from Havant Road the vista is eclectic in its mix of heights and vernaculars with mainly bungalows and chalet bungalows to the LHS of the highway for around the first quarter of Warblington Road as a whole. The application site is arguably on the larger side of the highway comprising of mainly two and three storey dwellings.

1.4 - IT MUST BE NOTED THAT THE CASE OFFICERS REPORT APPEARS TO BE ADDRESSING CONCERNS RELATING TO REVISION D OF THE SUBMITTED PLANS AND NOT REVISION E WHICH WAS SUBSEQUENTLY SUBMITTED TO THE LPA ON 26/01/2018 14:06PM FOLLOWING REQUESTED AMENDMENTS BY THE CASE OFFICER.

2.0 RELEVANT PLANNING HISTORY

2.1 – APP/17/01089, 11 Warblington Road, Emsworth, PO10 7HE

Erection of 1No. 5 bed dwelling.

Response 14/02/2018 – Refuse

The reasons for the Council's decision to refuse planning permission are:

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 establishment pattern of the 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 Design Guide Supplementary Planning Document 2011 and the National Planning Policy Framework.

For full officer's report see attached document **APP_17_01089-DECISION_NOTICE-1108154**

IT MUST BE NOTED THAT THE CASE OFFICERS REPORT APPEARS TO BE ADDRESSING CONCERNS RELATING TO REVISION D OF THE SUBMITTED PLANS AND NOT REVISION E WHICH WAS SUBSEQUENTLY SUBMITTED TO THE LPA ON 26/01/2018 14:06PM FOLLOWING REQUESTED AMENDMENTS BY THE CASE OFFICER.

2.2 - APP/17/00940, 11 Warblington Road, Emsworth, PO10 7HE

Certificate of Lawfulness application for new vehicle entrance to existing boundary wall fronting the highway, with the existing entrance to be retained.

Grant permission/consent/certify lawfulness on 12/10/2017.

2.3 - GEN/17/01025, 11 Warblington Road, Emsworth, PO10 7HE

Erection of a new dwelling.

Response on 04/09/2017

1. The principle of development

The site is located within the built-up area of Emsworth. Within this area there is a presumption in favour of sustainable residential development subject to other development control criteria.

In terms of the acceptability of development in the garden of an existing property, referred to as 'infill development' in the Council's Supplementary Planning Document for new residential development and extensions, I refer to sections 5.25 and 5.33. These advise that the proposed development should look to the immediate site context for reference and respect the layout and character of the surrounding area.

Any proposal would be considered in accordance with the relevant national and local planning policy. In the case of Havant, this refers to the policies in the adopted Core Strategy and Allocations Plan, along with supplementary planning documents (SPDs) which form part of the Local Plan. In my opinion, the most relevant policies to this proposal would be:

Core Strategy:

CS9 - Housing CS14 - Efficient use of Resources. CS16 - High Quality Development CS17 - Concentration of Development within the Urban Area CS20 - Transport & Access Strategy CS21 - Financial Contributions. DM13 - Car and Cycle Parking on Residential Development

Allocations Plan:

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

SPDs

- i. The Borough's Design Guide for Extensions and New Dwellings.
- ii. Developer Contributions.

2. The impact on the character and appearance of the area

The proposed development comprises the construction of a substantial detached two storey property with a basement. Whilst it is noted that the immediate residential area comprises detached and semi-detached dwellings of mixed size and design, the development still needs to be appropriate to the extent of the plot and how it integrates with the patterns and form of development immediately surrounding the site.

It is noted that the proposed dwellinghouse shall be positioned within bungalows, chalet bungalows, two storey properties and as such there is no acknowledged street pattern in terms of design. It would also be set back from the highway and the building line of the existing property. However, I do have concerns about the scale and overall height of the proposed property and would advise consideration is given to this, previous to any application being submitted.

All applications for new dwellings will be assessed in relation to the guidance given in the Borough Design Guide 2011 which has been adopted by the Council as a material planning consideration. This can be viewed via the following link:

<http://www.havant.gov.uk/sites/default/files/documents/SPD%20Borough%20Design%20Guide.pdf>

This document provides guidance on minimum garden sizes, design advice and separation distances etc.

3. The impact on neighbours' residential amenities

The scheme will need to take account of the character and nature of surrounding development and how this would relate to the proposed unit. I am of the view the new dwelling may appear overbearing and adversely affect the amenity of the occupiers of 9 Warblington Road due to the proximity to the eastern boundary.

However, the full impact on neighbours residential amenities would be assessed in detail during the consideration of any planning application.

4. Highway Requirements

Three parking spaces are required for a five-bedroom dwellinghouse in accordance with the Council's adopted parking standards.

5. Arboricultural matters

Due to the location of the proposed development, and the proximity of the tree subject of a Tree Preservation Order in the garden of the neighbouring property, arboricultural information would need to be submitted to allow for an informed view to be given.

6. Drainage and flood risk

The site is not located within a flood zone. The development would need to incorporate sustainable urban drainage to ensure that surface water is adequately addressed.

7. Ecology

From the 30th June 2014, the Council introduced the Solent Disturbance Mitigation Project (SDMP). The SDMP was introduced with the advice of Natural England and they have advised that a contribution of £181 (plus admin and monitoring fee) per dwelling will be required to mitigate against the effects of recreational disturbance on the Solent Special Protection Area (SPA). The contribution will be applied to all new development of one or more dwellings and will need to be paid prior to the determination of any planning application.

8. Developer Contributions/Community Infrastructure Levy

The proposed development would be subject to the Community Infrastructure Levy details of which are available on the Council's website:

<http://www.havant.gov.uk/planning-policy-design/community-infrastructure-levy>

The relevant contribution level for this site would be £100 per square metre (index linked). In addition, as set out above an ecology mitigation contribution of £181 per dwelling will be required.

Conclusion

In conclusion you will appreciate that given the above comments I am unable to support the submission of a planning application for a dwelling based on the current scheme. I am doubtful whether the proposal could be accommodated on the site without appearing overbearing in scale. However, I am of the view the site could be considered for development albeit with a revised design to reduce the mass and height of the proposal. I am happy to look at any designs you may wish to present for further comment.

Please note that the above comments are the opinion of an individual Planning Officer and are in no way binding upon the Council when determining an application for planning permission and nor will they prejudice the outcome of any application submitted.

This advice also only relates to planning matters and 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.

3.0 PLANNING POLICY

3.1 – Policy considerations as highlighted by the LPA;

- CS11 Protecting and Enhancing the Special Environment and Heritage of Havant Borough
- CS16 High Quality Design
- CS17 Concentration and Distribution of Development within the Urban Areas
- CS21 Developer Requirements
- CS9 Housing
- DM13 Car and Cycle Parking on Residential Development
- DM24 Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development

3.2 - Policy CS9 Housing

Planning permission will be granted for housing proposals that will: -

1. Contribute to achieving a net total of 6,300 new dwellings between 2006 and 2026.
2. Deliver on average 30-40% affordable housing on sites of 15 dwellings (gross) or more and secure a suitable contribution, or on-site provision, equivalent to on average 30-40% on smaller housing developments between 5 and 14 dwellings (gross), unless a lesser requirement has been transparently justified on viability grounds.
3. Ensure mixed communities are created through the planned distribution and avoidance of a concentration of affordable housing.
4. Achieve a suitable density of development for the location, taking into account accessibility to public transport and proximity to employment, shops and services in addition to respecting the surrounding landscape, character and built form.
5. Provide a mix of dwelling types, sizes and tenures which help meet identified local housing need and contribute to the development of mixed and sustainable communities.
6. Provide accommodation for the ageing population in sustainable locations, taking account of the need to provide for a variety of care needs and flexibility to accommodate differing requirements of ageing care.
7. Contribute to achieving 450 extra-care dwellings between 2006 and 2026.
8. Ensure housing development is delivered in a phased manner with an appropriate proportion of previously developed land so as to avoid unnecessary development on greenfield urban extension sites.

3.3 - Policy CS11 Protecting and Enhancing the Special Environment and Heritage of Havant Borough

Planning permission will be granted for development that:

1. Ensures the key landscape and built form principles set out in the Havant Borough Townscape, Landscape and Seascape Character Assessment are protected and where possible enhanced by partnership working with developers, groups and the wider community.
2. Protects and where possible enhances the borough's statutory and non-statutory designated landscape, habitats and features of biological, hydrological or geological interest. Protection and enhancement will be achieved by appropriate adaptation and mitigation measures including wardening, education and information and the creation of new habitats, water bodies/courses planting of new trees and woodland.
3. Has particular regard to the following hierarchy of nature conservation designations within the borough (as identified on the Proposals Map):
(i) Special Protection Areas (SPA), Special Areas of Conservation (SAC) and Ramsar [International].

(ii) Sites of Special Scientific Interest (SSSI) and National Nature Reserves [National].

(iii) Sites of Importance for Nature Conservation (SINC), Local Nature Reserves (LNR), other Ancient Woodland not identified in (ii) above [Local].

4. 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.

5. Supports an ongoing programme of survey of habitats and species and designation of Sites of Importance for Nature Conservation.

6. Incorporates partnership working with conservation organisations to improve public understanding of biodiversity and to manage public access to designated sites, particularly on the coast, to reduce harm to nature conservation interests.

7. Incorporates partnership working with landowners and developers to ensure land management practices restore, enhance and where appropriate create new valued landscapes, habitats and their soil structure, particularly the ancient woodland remnants of the Forest of Bere and coastal salt marsh.

8. Protects wildlife habitats and wildlife corridors to prevent the fragmentation of existing habitats and to allow species, for example Brent Geese, to respond to the impacts of climate change by making provision for habitat adaptation e.g. coastal managed realignment and species migration.

9. Maintains undeveloped gaps between the settlements of Emsworth/Havant; Havant/Waterlooville; Havant/Portsmouth; Emsworth/Westbourne and Leigh Park/Rowlands Castle as shown on the Proposals Map.

10. Protects the best and most versatile agricultural land that has the greatest potential for local food security.

11. Responds to the emerging evidence from the Solent Disturbance and Mitigation Project, the published recommendations, and future related research.

3.4 - Policy CS16 High Quality Design

Planning permission will be granted for development that is designed to a high standard, which helps to create places where people want to live, work and relax. All development should demonstrate that its design:

1. Responds to, draws inspiration from and respects local context and:

- a) Identifies and responds positively to existing features of natural, historic or local character within or close to the proposed development site;
- b) Integrates with existing local landscape features, promotes wildlife and biodiversity and/or applies characteristics of the local area into the design of a scheme wherever possible to create variety and interest;
- c) Uses the characteristics of the locality to help inform the design of the new development including heights, massing, existing buildings lines, plot widths and depths, materials and proportions of windows and doors;
- d) Is well connected to and integrates with the immediate local area and the wider area by linking to existing pedestrian and cycle routes and encouraging people to use public transport where possible; and
- e) The development does not cause unacceptable harm to the amenity of neighbours through smell, the loss of privacy, outlook, noise and overlooking.

2. Produces a positive relationship between buildings, street and spaces both existing and proposed, where:

- a) The layout of the development reduces opportunities for crime and antisocial behaviour; contributes to improving community safety; and makes provision for the management and maintenance of the development;
- b) New streets are not dominated by vehicular traffic;
- c) The layout of the development is legible, meaning it is easy to

orientate oneself and move through.

3. Contributes to the improvement of the public realm close to the development, particularly sites close to town, district and local centres and other priority regeneration areas by using high quality hard and soft landscape material and street furniture; and where development is of a significant scale or prominence makes provision for public art.

4. Is inclusive by considering the needs of those with disabilities, ensuring safe and convenient access for all; and integrating affordable and supported housing with market housing through tenure blind design to minimise social exclusion and promote social integration.

5. Maximises opportunities for mixed use developments, particularly in town and district centres; and encourage higher densities (50+ dwellings per hectare) where appropriate.

6. Mitigates negative environmental impacts through sustainable design and construction methods, resource efficiencies, particularly water and the provision of facilities for waste recycling.

7. Adapts to the changing needs of the users and the changing climate over the lifespan of the building.

3.5 - Policy CS17 Concentration and Distribution of Development within the Urban Areas

Development will be permitted that makes the most effective use of land in the borough by granting planning permission that:

1. Concentrates new housing, employment, retail, leisure and other development within the five urban areas of Havant, Leigh Park, Waterlooville, Emsworth and Hayling Island, as shown on the Proposals Map.

2. Prioritises development on previously developed land, including redundant, derelict or underused land and buildings within the urban area.

3. Broadly distributes the new housing and employment development in the five areas of the borough as indicated on the Spatial Distribution Map (Key Diagram).

Development in the non-urban areas will only be permitted if it is consistent with the policies for the countryside set out in national policy.

3.6 - Policy CS21 Developer Requirements

Development will be permitted if on-site and/or off-site infrastructure requirements are met.

Where new or improved infrastructure is essential for planning permission to be granted the council will require the on-site or off site provision and/or contributions through planning obligations, agreements or tariffs in accordance with the relevant legislation for off-site provision. The need for contributions will depend on information and advice from infrastructure providers on the expected impacts of the development on all the infrastructure types.

Where appropriate the council will seek on-site provision or financial contributions to ensure the timely off-site or on-site delivery of all types of infrastructure as detailed in Table 9.1 under the following headings:

1. Transport
2. Housing
3. Education
4. Health
5. Social Infrastructure
6. Green Infrastructure
7. Public Services
8. Utility Services
9. Flood Defences
10. Public Realm

Where on-site provision or financial contributions are made, arrangements for the ongoing maintenance of facilities will be required.

Where the necessary contributions are not agreed by the developer, planning permission will be refused.

A Supplementary Planning Document will be prepared setting out the mechanisms that will be used for taking development contributions together with details of the types and priorities of infrastructure provision.

3.7 - DM13 Car and Cycle Parking on Residential Development

Residential development will only be permitted where it provides car parking and cycle storage in accordance with the standards set out in the Residential Car Parking and Cycle Provision Supplementary Planning Document.

3.8 - Policy DM24 Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development

Planning permission will be granted for residential developments that avoid or mitigate a likely significant effect on the SPAs, caused by recreational disturbance through the incombination

effect of net additional dwellings. This mitigation can be provided through:

- a) A financial contribution.
- b) A developer provided package of measures associated with the proposed development designed to avoid or mitigate any significant effect on the SPAs subject to meeting the tests of the Habitats Regulations.
- c) A combination of measures in (a) and (b) above.

Where these measures cannot be provided development proposals will be refused, unless the applicant can show, subject to meeting the tests of the Habitats Regulations, that there would not be an adverse effect on the integrity of the SPAs.

The provisions of this policy do not exclude the possibility that some residential schemes, due to their size/and or location, may require individual assessment under the Habitats Regulations on advice from Natural England and additional site specific avoidance or mitigation measures.

4.0 APPEAL PROPOSAL

4.1 - IT MUST BE NOTED THAT THE CASE OFFICERS REPORT APPEARS TO BE ADDRESSING CONCERNS RELATING TO REVISION D OF THE SUBMITTED PLANS AND NOT REVISION E WHICH WAS SUBSEQUENTLY SUBMITTED TO THE LPA ON 26/01/2018 14:06PM FOLLOWING REQUESTED AMENDMENTS BY THE CASE OFFICER.

4.2 - The proposal is for the erection of a new 5 bed family home with associated hard/soft landscaping and parking.

At ground floor will be the formal entrance into a large hall off of which is a w/c, lounge, open plan kitchen and diner which leads through to the utility room and further onto the large double garage/workshop. Off of the ground floor hall is access up to first floor. At first floor there are 5 double bedrooms two of which share a Jack and Jill style ensuite bathroom, there is a further shared bathroom

4.3 – The original plans submitted at the start of the application (revision D) have had the following amendments made against the plans submitted at pre-app after comments made through the pre-app, these include;

- Stepping the western elevation in by over 1m further to be as far away as the boundary with no.9 as possible, so as to not adversely affect the amenity of the occupiers of no.9.
- Lowered the overall ridge height by 1.1m to address the officer's concerns of the proposal being overbearing in scale at the site.
- Dropped the eaves line down and formed dormer windows to the first floor to further help the issue regarding the mass and height of the proposed.
- Reduced the over footprint from north to south by 1.3m to allow for lower ridge height.

4.4 – Revision D of the submitted plans have had the following amendments made to get us to the current revision E which are the plans in question (Please note that the case officer has not been reviewing revision E but revision D, which is an error);

- Removal of the front balcony
- Tying in the hipped roof and gable roof
- Splitting the large gable window into 4
- Removal of the basement
- Reduction of 1m in footprint to the eastern elevation
- Reduction of 1.2m in footprint to the southern elevation
- Removal of the stepped gable section allowing for the building to be more uniform in shape
- Lowering of the ridge height by 200mm
- Obscuring the dormer window nearest to the boundary of number 9 Warblington Road

4.5 - Through these changes and the specification of materials to match the local context we feel that Policy CS16 for high quality design has been achieved.

4.6 - The spatial distribution and orientation of the proposed house within the site, makes the most effective use of the land whilst prioritising previously underused land within the plot of no.11 to concentrate the space for new housing as per Policy CS17. Through maintaining this policy, we have also been able to meet the requirements of AL2 as we have helped to define the separate identities of the individual settlements either side by having a fairly straight split of the original plot from north to south. This, we feel, produces a positive relationship between the existing buildings, plot and owing to its set back nature, the street.

4.7 - The roof form has been influenced by the varying styles found in the local context around the site, there are elements of gables (much like no.11 and no.10 Warblington Road), hipped roofs much like the majority of bungalows in the area and the use of dormer windows that can be seen at number 3 Kinnell Close.

4.8 - The scheme benefits from adhering to the Technical housing standards – nationally described space standards for each room and exceeds the space standards for a 5-bed family home.

As set out within CS16 and the building regulations for new build dwellings, consideration to meet requirements for the inclusivity of those with disabilities will be met fully.

4.9 - Havant Borough Council acknowledges that backland and infill developments have a role to play in delivering the council's housing and development targets, with this scheme helping to contribute to achieving the net total of 6,300 new dwellings between 2006-2026. We also feel this development achieves the right density of development for the site and the local area and its amenity in line with Policy CS9.

We feel that the proposal of this infill site does not have an adverse effect on neighbouring properties, maintains and enhances the existing character and quality of the existing area and would create a pleasant and attractive place to live. This Infill development has looked to the immediate site context for reference and has tried as much as possible to respect the layout and character of the surrounding area, looking to the immediate neighbouring properties for influence.

5.0 STATEMENT OF CASE

5.1 - IT MUST BE NOTED THAT THE CASE OFFICERS REPORT APPEARS TO BE ADDRESSING CONCERNS RELATING TO REVISION D OF THE SUBMITTED PLANS AND NOT REVISION E WHICH WAS SUBSEQUENTLY SUBMITTED TO THE LPA ON 26/01/2018 14:06PM FOLLOWING REQUESTED AMENDMENTS BY THE CASE OFFICER.

5.2 – Although various policies have been considered within this application to which we seek to appeal, only 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) has been presented as the reasoning for refusal and as such this statement of case will focus solely on this policy.

5.3 - Policy CS16 High Quality Design

Planning permission will be granted for development that is designed to a high standard, which helps to create places where people want to live, work and relax. All development should demonstrate that its design:

1. Responds to, draws inspiration from and respects local context and:
 - a) Identifies and responds positively to existing features of natural, historic or local character within or close to the proposed development site;
 - b) Integrates with existing local landscape features, promotes wildlife and biodiversity and/or applies characteristics of the local area into the design of a scheme wherever possible to create variety and interest;
 - c) Uses the characteristics of the locality to help inform the design of the new development including heights, massing, existing buildings lines, plot widths and depths, materials and proportions of windows and doors;
 - d) Is well connected to and integrates with the immediate local area and the wider area by linking to existing pedestrian and cycle routes and encouraging people to use public transport where possible; and
 - e) The development does not cause unacceptable harm to the amenity of neighbours through smell, the loss of privacy, outlook, noise and overlooking.
2. Produces a positive relationship between buildings, street and spaces both existing and proposed, where:
 - a) The layout of the development reduces opportunities for crime and antisocial behaviour; contributes to improving community safety; and makes provision for the management and maintenance of the development;
 - b) New streets are not dominated by vehicular traffic;
 - c) The layout of the development is legible, meaning it is easy to orientate oneself and move through.
3. Contributes to the improvement of the public realm close to the development, particularly sites close to town, district and local centres and other priority regeneration areas by using high quality hard and soft landscape material and street furniture; and where development is of a significant scale or prominence makes provision for public art.
4. Is inclusive by considering the needs of those with disabilities, ensuring safe and convenient access for all; and integrating affordable and supported housing with market housing through tenure blind design to minimise social exclusion and promote social integration.
5. Maximises opportunities for mixed use developments, particularly in town and district centres; and encourage higher densities (50+ dwellings per hectare) where appropriate.
6. Mitigates negative environmental impacts through sustainable design and construction methods, resource efficiencies, particularly water and the provision of facilities for waste recycling.

7. Adapts to the changing needs of the users and the changing climate over the lifespan of the building.

5.4 – Criteria 1 of CS16 states that the proposed development must draw inspiration from and respect the local context. Amendments made owing to pre-app GEN/17/01025 and comments made by the case officer for the current application APP/17/01089 we feel that the proposed plans demonstrate that inspiration has been drawn directly from the immediate locality by way of;

- Facing materials proposed to match the local vernacular such as brickwork, roof tiles and tile hanging.
- A feature gable such as number 11 and the rear of number 10 which the case officer suggested similar features be incorporated (this was also suggested regarding bulk/height, but this is strongly disagreed with as the opposite side of the highway has a completely different vista and style of buildings in terms of bulk/height).
- The use of dormer windows which are a feature to the dwelling directly behind the existing number 11.
- Hipped and gable roof forms which are a direct link to the existing dwelling of number 11 on the proposal site.
- The overall awareness to maintain similar; heights, massing, plot widths and depths, materials and proportions of windows and doors on the side of the highway the proposal site is situated and not the adjacent side which again has a completely different set of characteristics.
- As the proposal site is located by a junction the existing building line of Warblington Road (odd number side) has been altered slightly to help tie in with number 9 which is orientated differently. As such the proposal seeks to tie in with both number 9 (which also forms part of the overall street scene albeit with some large trees as screening to the south eastern corner of their plot) and number 11 Warblington Roads existing building line and setting back from the highway.
- Through amendments made to the footprint, setting back from neighbouring boundaries, lowering or ridge and eaves heights, obscuring of the dormer window which had the most potential for affecting the amenity of number 9, we feel that there is no cause of unacceptable harm to the amenity of neighbours through smell, the loss of privacy, outlook, noise and overlooking.

5.5 – Criteria 2 of CS16 states that the proposed development must produce a positive relationship between buildings, street and spaces both existing and proposed. We feel that all the sub criteria have been met and the layout is legible and accessible for fire services.

5.6 - Criteria 3 of CS16 is not generally applicable to our application but we feel the proposal contributes to the improvement of the area and will have a high quality of hard/soft landscaping.

5.7 - Criteria 4 of CS16 has been observed within the design process as the scheme has look to Part M of the building regulations to meet criteria set out for disabled access both now and in the future such as; level threshold access, widened stairs and corridors etc.

5.8 - Criteria 5 of CS16 – not applicable.

5.9 - Criteria 6 of CS16 has been met through the following sustainability statement with the design and access statement – “To fall in line with Policy AL1 the new-build dwellings will be constructed to exceed the current target U-values as set out in Part L of the building regulations. We will also be utilising soakaways for rainwater runoff which will coincide with grey water harvesting, solar panels and solar water heating units to the roof and an electrical

charging unit within the garage for electric cars. There will also be a heat recovery air handling unit proposed as well.”

5.10 - Criteria 7 of CS16 we feel is not wholly applicable as it can be argued that this relates to commercial rather than residential but at any rate this has been met due to the future proofing for disabled access.

5.11 – To address the case officers reasoning for their recommendation to refuse APP/17/01089;

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.

The proposed dwellings size, design and siting in its current revision has addressed previous concerns relating to CS16 in particular the ridge height which has been lowered by 1.3m from the scheme presented at the pre-application stage, this has further been reduced within the current application albeit by 200mm.

The overall foot print has been reduced allowing for the proposed dwelling to be set further back from the shared boundary between 11 Warblington Road and 9, at pre-app the distance from the boundary to the eastern elevation of the proposed was 900mm at its closest and 1.1m at its furthest, the first revision of APP/17/01089 the distance from the boundary to the eastern elevation of the proposed was 1.94m at its closest and 2.17m at its furthest and with the latest revision of APP/17/01089 the distance from the boundary to the eastern elevation of the proposed is 2.92m at its closest and 3.15m at its furthest.

Through amendments from the pre-app we have also been able to set the building line back from the highway by 400mm in the first revision of APP/17/01089 and through the amendments made at the case officers request by a further 1.4m. this allows for the building line to be set back by 4.9m from the internal face of the front boundary wall at its closest and 12.8m at its furthest. This allows, we feel, for a not so prominent siting but one that conforms and draws inspiration from the local context and existing building lines, we accept that the orientation is not 100% a mirror of the existing dwelling at number 11 but, owing to the difference in angles of the eastern and western boundaries this is not achievable for a dwelling which looks to draw characteristics from surrounding properties in terms of heights, massing, existing buildings lines, plot widths and depths, whilst maintaining my clients brief of a 5 bed family dwelling he seeks to retire into.

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.

Owing to the revisions stated above relating to mass, bulk, footprint and distance to the boundary the current scheme is 11m away from number 9. Currently there are large trees fronting the boundary of number 9 with the highway of Warblington Road, these screen the property and also cast it into shadow. As can be seen by the attached sun path data sheet, there is only potential of severely less than an hour between 14:00 and 15:00 that the proposal will cast shadows which may affect

number 9. The angle between number 11 Warblington Road and the existing trees in the garden of number where there is potential for afternoon sun light is so nominal that, in affect the proposal is in a buffer zone between two existing masses which cast shadows that the effect, if any, of the proposed dwellings siting and bulk is zero and hence cannot be illustrated as having a harmful or overbearing impact in relation to number 9.

5.12 – To address the relevant points of concern raised within the case officers delegated report;

7.6 - Further plans were submitted for consideration reducing the overall height of the dwelling by 0.2 metres and approximately 0.95 metres in width and 1.35 metres in depth, with the resulting building being a substantial detached dwelling with 5 double bedrooms and a large double garage. Following careful consideration, advice was given 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 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.

This is correct that we had submitted revised plans, of which the client was happy with the alterations and wished to proceed with this set of plans (revision E). We did not however think that the refusal from us to amend further would mean reverting back to the original set of plans submitted. We feel this unfair as it is not reviewing the scheme in its revision.

7.8 – It is deemed that the proposed design does not relate either to the local area or surrounding properties, lacking a sense of proportion and balance. The front balcony and the glazing to the front gable feature would be out of character and the dwelling would be overbearing and appear cramped, resulting in over development of the site having an adverse impact on the on the character and appearance of the area. The proposal is therefore contrary to policy CS16 of the Havant Borough Core Strategy 2011 and the adopted Design Guide 2011.

Again, this comment is relating to revision D or the proposal and not the lactates set of plans submitted which is revision E. the latest revision has addressed the concerns of proportion and balance and has omitted the front balcony and reduced significantly the gable feature window.

7.9 - Impact on 9 Warblington Road The application site is situated towards the end of Warblington Road and would utilise the side garden of number 11. The proposed dwelling would be sited 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 ridge height is 8.7 metres. 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.

It is noted the case officer has no concerns on this basis but we would like to highlight the fact their dimension are wrong due to considering the wrong revision of plans.

7.10 - Impact on 2 Kinnell Close The rear garden of the proposed dwelling would have a minimum depth of 13 metres and the garden of the property directly to the rear has a depth of 8 metres. This accords with the recommended 20 metre back to back separation distance set out in section 5.05 of the Havant Borough Council Design Guide SPD. However, it would be set back approximately 6.5 metres from the front elevation of no. 11 and extends almost the whole width of the site and together with the proposed height would impact the outlook of the property to the rear of the site. However given the proposed layout, size and scale of the proposal, it is considered the proposal would not have a significant adverse impact on this property to justify a reason for refusal on this matter.

It is noted the case officer has no concerns on this basis but we would like to highlight that the property at 2 Kinnell Close looks into private amenity space of the existing dwelling of number 11 Warblington Road.

7.11 - Impact on 12 and 14 Warblington Road In terms of potential overlooking and loss of privacy, the proposed first floor front balcony and large picture window to bedroom 1 could enable views into the properties opposite. Although they are set back from the highway, these dwellings are primarily bungalows with low boundary treatments and bedrooms to the front. However, given the proposed layout, size and scale of the proposal, it is considered the proposal would not have a significant adverse impact on this property to justify a reason for refusal on this matter.

It is noted the case officer has no concerns on this basis but again, this is based on the wrong plans. The latest revision has eliminated the points of concern.

7.12 - Impact on 11 Warblington Road The proposed dwelling is set back approximately 6.5 metres from the property at no.11. The western elevation is staggered with a minimum distance of 1.1 metres and a maximum distance of 6.6 metres to the new boundary. Whilst there are no windows in the western elevation, the proposed balcony would overlook the area to the front. There would also be a loss of morning light to the rear garden of this property. However, given the proposed layout, size and scale of the proposal, it is considered the proposal would not have a significant adverse impact on this property to justify a reason for refusal on this matter.

Again, wrong revision being reviewed and as such wrong dimensions stated.

7.13 - Various concerns were raised by neighbours including the accuracy of plans, the scale, mass, appearance and situation of the proposed dwelling and it was also noted the proposal did not address the issues raised following pre-application advice.

Concerns were raised by neighbours through public comments but none of these were afterward addressed to us by the case officer. We also fail to see what, through the latest revision E of plans has not been addressed following comments at the pre-application stage.

5.13 – The following email was sent to the case officer on Friday 26th January 2018 following a request by the case officer for amendments to be made to revision D of the submitted plans, we are now on revision E to which this appeal should be reviewed on.

5.14 - 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.

5.15 – We have also received the following correspondence from the owners of 2 Kinnell Close relating to the site visit carried out by the case officer. It would suggest a prejudice, pre-judged decision from the case officer and shows the LPA not to be working in line with paragraphs 186-187 of the NPPF in which – “Local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. The relationship between decision-taking and plan-making should be seamless, translating plans into high quality development on the ground.” And “Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.”

5.16 – “Hello

This afternoon we had a visit from a member of the planning office. She asked if we were aware of the planning application for your plot. We said yes and that we are happy with the situation. No objections. She said there had been some objections from some of the locals but would not say who. She implied she was expecting one from us!

She took some photos of our garden and we allowed her to take photos of your plot from our bedroom window.

Peter and I have no objections to the plans. We said the government approves of in fillings and this is what it would be.

I hope you are all well

Love

June”

5.17 - We have also received the following correspondence from the owners of 2 Kinnell Close relating to the proposed development.

5.18 – “Hi Tim

June has pointed out to me that we are overlooked (or to be more precise, underlooked) by every passer-by in Warblington Road. When our lights are on you can clearly see into our bedrooms from the road.

It's all a matter of sight angles. If a house is close to the road you have to deliberately look up to see into the bedroom windows and then the view is limited to the front of the room.

However, our house is much further back so it is easy to see into the whole of the bedroom.

We would feel much more secure if the overlooking was limited to the occupants of a house.

With a bit of luck the planners may be able to save face by accepting your next application rather than losing an appeal.

Do please get in touch if you think we can aid your application in any way.

With best wishes

Peter”

6.0 CONCLUSIONS

6.1 – To conclude our views on the LPA's decision to refuse planning permission for APP/17/01089 Erection of 1No. 5 bed dwelling, we feel that the refusal based only on 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) is exclusively subjective as there are no 'hard and fast' formulas for dimensions of heights, bulk and mass in relation to neighbouring properties so inspiration has been drawn from the immediate locality. The refusal therefore is based on opinions and personal views rather than breach of an altogether subjective criteria of CS16.

6.2 - We feel the scheme has been prejudged by the officer and shows the LPA not to be working in line with paragraphs 186-187 of the NPPF.

6.3 – The scheme fully conforms to 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) and therefore cannot be subject to refusal on the grounds stated by the LPA.

Kind Regards,

Tom Peters

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7.0 PHOTOS







