

TOWN & COUNTRY PLANNING ACT 1990
SECTION 78 “HOUSEHOLDER” APPEAL

**APPEAL AGAINST THE DECISION OF HAVANT BOROUGH COUNCIL TO
REFUSE A GRANT OF FULL PLANNING PERMISSION FOR THE “SINGLE
STOREY REAR AND SIDE EXTENSIONS, TWO STOREY FRONT EXTENSION.
DORMER EXTENSIONS TO REAR AND FRONT. AMENDED FENESTRATION.
GABLED ROOF. (RE-SUBMISSION)”**

AT

49 ST THOMAS AVENUE, HAYLING ISLAND, HAMPSHIRE, PO11 0EU

LOCAL PLANNING AUTHORITY REFERENCE: APP/18/01182

Written Representations of Mr & Mrs Welch

8th January 2019



Pickup Town Planning
57 Sea View Road
PORTSMOUTH
Hampshire
PO6 1EW

Tel/Fax:
023 92 375050

Contents

Page

1.0	Introduction and Background	2
2.0	The Appeal Site and Its Surroundings	3
3.0	The Appeal Proposal	7
4.0	Planning Policy	7
5.0	Planning Considerations	11
6.0	Conclusions	14

1.0 Introduction and Background

1.1 This householder planning appeal is made to the Planning Inspectorate following the decision of Havant Borough Council, as Local Planning Authority (LPA), to refuse a grant of planning permission for alterations and extensions to the existing dwellinghouse at 49 St Thomas Avenue, Hayling Island, PO11 0EU including the construction of a gabled roof and additional glazing to the proposed front, two storey, extension.

1.2 The LPA had previously granted planning permission, under application APP/18/00753, for all of the extensions and alterations applied for with the current appeal proposal except for the gable roof extension and additional glazing to the 2-storey front extension. The drawings approved under APP/18/00753, on 18th October 2018, are attached as **Appendix I** to this statement. The Inspector will note that the previously permitted roof was a hipped roof.

1.3 The planning application was submitted on 16th November 2018 and was validated by the LPA on 19th November 2018. The decision notice issued by the LPA on 21st December 2018 stated that the application was refused for the following reason: -

- “1. *Having regard to the dwellings position within a row of dwellings predominantly characterised by recessive roof forms sloping away from the St Thomas Avenue frontage, the proposed two storey front extension with gable roof and glazing would appear overly dominant and visually intrusive in the street scene and out of character with the area. The proposal is therefore considered to be contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, the adopted Havant Borough Design Guide Supplementary Planning Document 2011 and to the National Planning Policy Framework.*”

1.4 This written statement of case seeks to demonstrate that the decision of the LPA to refuse planning permission was unreasonable and that the proposed gable roof and additional glazing would not “...appear overly dominant and visually intrusive in the street scene and out of character with the area...” The appellants are of the view that the addition of a gable roof to the two-storey front extension would represent only a small change to the alterations and extensions already approved under APP/18/00753. Similarly, the appellants contend that the addition of an apex window to the gable and another window pane to the ground floor elevation of the same extension would have only a negligible impact upon the visual amenity of the streetscene and wider area. This seems to be an opinion that is shared by local residents in the area given that none of them objected to the application.

1.5 Section 38(6) of the Planning and Compulsory Purchase Act, 2004 states “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.” It is considered by the appellants that the appeal proposal is not in conflict with the policies of the development plan. It is the contention of the appellants that the appeal proposal would not cause demonstrable harm to interests of acknowledged importance.

2.0 The Appeal Site and Its Surroundings

2.1 The appeal property comprises a detached chalet style bungalow located on the west side of the western arm of St Thomas Avenue in Hayling Island. The site is at the southern end of Hayling Island in a residential enclave consisting of mainly detached chalet-bungalows and bungalows. The site is approximately 500m west of shops and services within Station Road, 600m of Hayling Beach and 6.5km of Havant Town Centre to the north.



Figure 1 Aerial Photograph of the Appeal Site and Surrounding Area

2.2 The property is one of a row of similar detached houses constructed with either painted render or brick elevations beneath gabled, ridged or barn-hipped, ridged roofs. The ridges of these houses are oriented north to south with roof planes facing both east and west. Dormer windows sit within the east facing roof planes of many of the existing dwellings on this side of the road.

2.3 On the opposite side of St Thomas Avenue are a row of bungalows. These are constructed with a combination of ridged and hipped roofs beneath a similar mix of rendered or brick built facades. Almost all of these bungalows are constructed with gabled fronted extensions which project forward of the host dwelling towards the road. At the southern end of St Thomas Avenue, beyond the 'T' junction is another row of detached houses. These are constructed with prominent and steeply pitched, two storey gabled front extensions.

2.4 The following photographs at Figures 2 to 7 are taken from the northern end of St Thomas Avenue heading south.



Figure 2 View South-West from Northern End of St Thomas Avenue



Figure 3 View South-West Rounding Bend at Northern End of St Thomas Avenue



Figure 4 View of South Along St Thomas Avenue



Figure 5 View of Bungalows Immediately Opposite the Appeal Property on East Side of St Thomas Avenue



Figure 6 View of Appeal Property (Right) along with Nos.43 and 47 to the South



Figure 7 View of Nos. 19-23 St Thomas Avenue to South of Appeal Site

2.5 The appeal property sits within a rectangular shaped plot which is approximately 15.6m wide and 42m deep. The three-bedroom dwelling is constructed with white painted, rendered elevations beneath a steeply pitched ridged roof that is built with concrete tiles. As can be seen below the property is constructed with a flat roofed dormer window to its front (east facing) roof plane and gabled north and south elevations.

2.6 The nearest part of the existing dwelling is set some 8.6m back from the dwellings frontage boundary which is defined by a 1.0m high timber hit and miss fence. Between the front boundary and the road kerb is a footway and grass verge which has a depth of some 2.5-3.0m.

2.7 To the rear of the dwellinghouse is a rear garden which extends for some 24m to the west of the property's west elevation. Beyond the dwellings rear boundary is other housing located within St Aubins Park. The property's front and back gardens are mostly laid to lawn.



Figure 8 Photo of 49 St Thomas Avenue

2.8 The LPA has already granted planning permission for the construction of side and rear single storey extensions together with a two-storey front extension with hipped roof and flat roofed dormers to front and rear. The permitted elevations and floor plans are attached to this statement as **Appendix I**.

2.9 the Inspector will see from the drawings at Appendix I that the permitted extensions allow for the construction of:

- 2.24m wide, 12.1m long, 2.825m high flat roof extension, with lantern light, to the side;
- 3.0m deep, 5.86m wide, 2.825m high flat roofed extension, with lantern light, to rear;

- Enlarged flat roofed dormer windows to front and rear;
- 3.39m deep, 4.055m wide, 7.35m, 2-storey, high hipped roofed front extension;
- Rear decked area;
- Rationalised glazing to all elevations;
- Reorganisation of internal ground and first floor layouts resulting in loss of existing integral single garage;
- Creation of a vehicle parking area at the front of the enlarged dwelling.

2.10 The permitted external materials consist of white painted render (to match) and; 'Hardie Plank' Boothbay Blue Cladding to the dormer windows.

3.0 The Appeal Proposal

3.1 This appeal seeks a grant of planning permission for all of the development described above at paragraphs 2.9 and 2.10 together with:

- A gable ended roof (in place of the hipped roof) to the permitted two storey front extension;
- Glazing to the apex of the gabled extension;
- One additional window pane to the ground floor window.

3.2 An extract of the refused elevations are provided at Figure 9 below and in full at **Appendix II**.

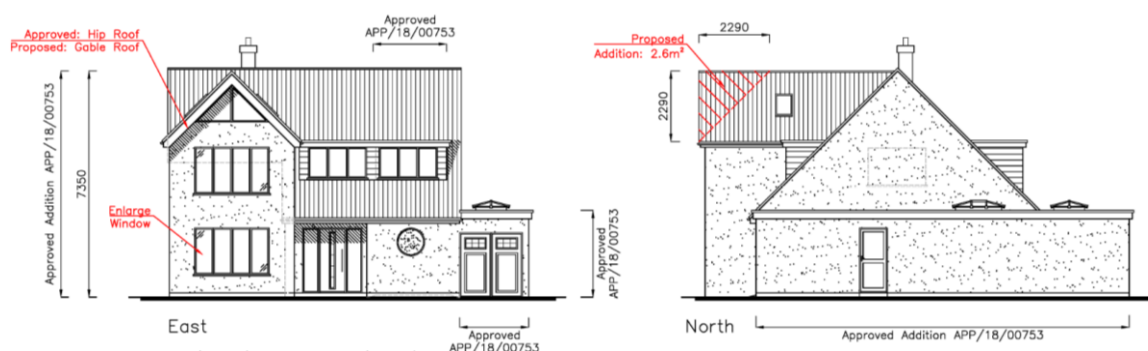


Figure 9 Extract of Refused Appeal Elevation Drawing Number 18035-510 0

4.0 Planning Policy

4.1 The revised National Planning Policy Framework (NPPF) was published by the Government on 24th July 2018.

4.2 Paragraph 7 of the Framework states that “...*The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs...*”

4.3 Section 12 of the NPPF relates to “Achieving well-designed places.” Paragraph 124 states *“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities...”* Paragraph 127 sets out 6 design criteria. It states that *“Planning policies and decisions should ensure that developments:*

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”*

4.4 Furthermore paragraph 130 advises that *“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents...”*

Local Plan Policy Context

Havant Borough Local Development Framework

4.5 The Havant Borough Core Strategy was formerly adopted on 1st March 2011. It is the principal document in the Council's Development Plan and sets out the spatial planning strategy for the area up to 2026. The LPAs decision stated that the appeal proposal was contrary to policy CS16. This policy states:

“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."

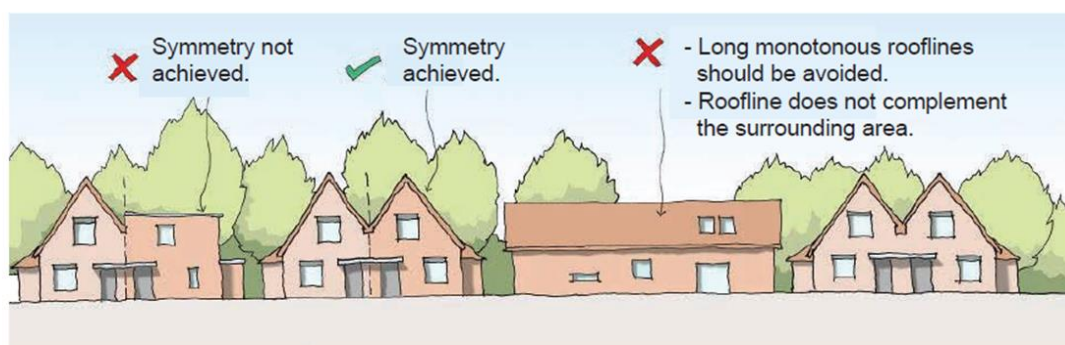
4.8 Havant Borough Council has also produced a number of Supplementary Planning Documents. The SPD quoted by the LPA in its decision is the Borough Design Guide – Adopted 14th December 2011. This provides guidance on building design. Whilst not referred to in the decision notice the Officers report comments that the development the subject of this appeal would be contrary to paragraph 4.48 of the documents and specifically Table 1. Paragraph 4.48 states *"The following Table 4.1 identifies four key elements of built form that helps to define local patterns of development:*

- *Layout and form*
- *Landscape and topography*
- *Detail and materials*
- *Density and mix..."*

4.9 The section of Table 1 referred to by Officers in their report was 3. which relates to "Detail and Materials" is copied below:

3. Detail and Materials

Rhythm and patterns, key features and detailing



New development should reflect prevailing features such as consistent rooflines in a street

Key features include the rhythm of facades; rhythm and pattern on the skyline through roof shapes and articulation; repetition of elements and patterns in such items as bays, dormers, repeated gables and chimneys. Detailing is the finer level and the craftsmanship, building techniques, decoration, styles and lighting of a building or structure. Where streets and places have prevailing features these should be incorporated as much as possible in any new development in the area.

5.0 Planning Considerations

5.1 In summary, full planning permission is sought, via this appeal, for what is effectively an amendment to the grant of planning permission issued by the LPA on 18th October 2018 under reference APP/18/00753, with the addition of:

- a gabled roof to the proposed two-storey front extension;
- glazing to the apex of this gable (east elevation);
- an extra pane to the ground floor window on the same elevation of this extension.

5.2 The LPA refused a grant of planning permission for the appeal proposal for the following reason:

“Having regard to the dwellings position within a row of dwellings predominantly characterised by recessive roof forms sloping away from the St Thomas Avenue frontage, the proposed two storey front extension with gable roof and glazing would appear overly dominant and visually intrusive in the street scene and out of character with the area. The proposal is therefore considered to be contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, the adopted Havant Borough Design Guide Supplementary Planning Document 2011 and to the National Planning Policy Framework.”

5.3 The appellants are of the view that the addition of a gable roof to the two-storey front extension would represent only a small, almost unnoticeable, revision to the alterations and extensions already approved under APP/18/00753. The appellants consider that the LPA has placed a disproportionate amount of weight on the perceived harm that would be caused to the character of the streetscene, in particular the “recessive roof forms”, by what is a relatively minor change. Similarly, the appellants contend that the addition of an apex window to the gable as well as another window pane to the ground floor elevation would have a less than negligible impact upon the visual amenity of the streetscene and wider area.

5.4 The Inspector will be aware from the Officers report (attached as **Appendix III**) that application APP/18/00753 was originally submitted indicating a glazed gable extension to the front of the building. At that time Officers stated that they were concerned about the design of this gable as well as the extent of the proposed glazing within the gable. Consequently, whilst not agreeing with the Officers observations, the appellants decided to revise the submitted scheme by deleting the gable end in favour of a hipped roof. The appellants decision to revise their application enabled them to gain planning permission for the majority of what they were applying for. Notwithstanding their agreement to revise the original application, as requested by the LPA, the appellants fundamentally disagreed with the Planning Officers assessment of their case. The appellants felt that a gable extension would represent an architectural solution that would respond to and reflect the character of development found elsewhere in St Thomas Avenue whilst also giving them a greater amount of space within the front bedroom. The superseded elevational drawing relating to APP/18/00753 is attached to this statement as **Appendix IV**.

5.5 Having reviewed the issues previously raised by the Council's Planning Officer the appellants decided to submit a further application. This application is now the subject of this appeal.

5.6 The Inspector will see at Figure 10, below, that the superseded and currently proposed gabled elevations have been placed side by side. Below these extracts is the elevation that has been permitted under APP/18/00753.

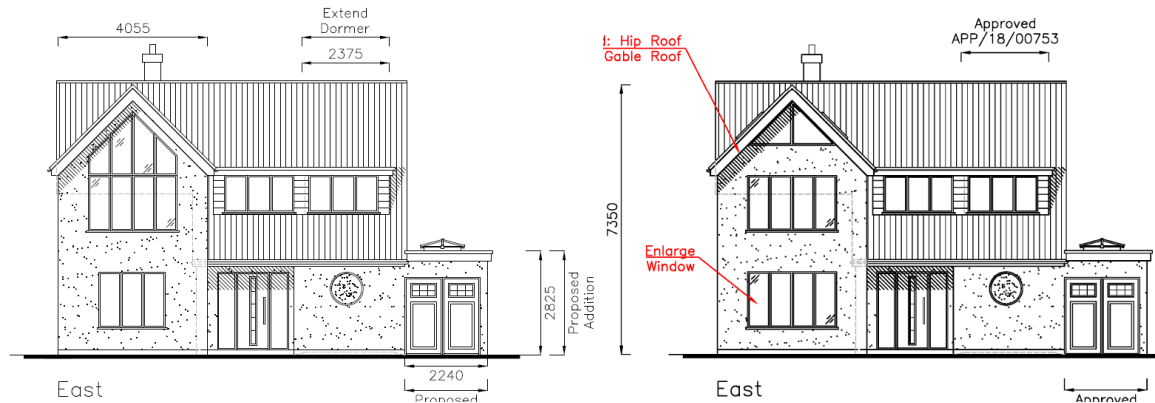


Figure 10
Above Left – Superseded Elevation of Scheme Permitted under APP/18/00753
Right – Appeal Proposal
Below Revised Elevation Permitted under APP/18/00753



The Gable

5.7 The appellants were particularly disappointed that the case officer advised the schemes architects, only 10 days after the application had been validated, that the LPA would be refusing the application on the basis of the proposed gable roof. The appellants are of the view that the LPA had prejudged their revised proposals and had not fully, or properly, assessed the submitted drawings and documents.

5.8 The appellants contend, most strongly, that the provision of a gable end with glazing to it's apex would not *"appear overly dominant and visually intrusive in the street scene and out of character with the area"*. Whilst the appellants accept that their house sits amongst a row of similar chalet-styled detached dwellings they do not agree that the proposed change to the front extensions roof, from a hip to gable, would have a harmful affect upon the visual amenity of either the streetscene or wider area. It is considered that Officers have placed too much emphasis on the need to retain *"recessive roof forms sloping away from the St Thomas Avenue"* especially given that the gable is already a dominant design element within St Thomas Avenue.

5.9 When approaching the western arm of St Thomas Avenue from the north it is noticeable that the first visually prominent elevation seen to the south is a bungalow (No.34) with a gable façade fronting the road (see Fig. 2). When rounding the corner to travel south along St Thomas Avenue it is apparent that almost all of the flank walls of the houses built on the west side of the road are constructed with gabled side elevations (see Figs. 3 & 4). Furthermore, immediately opposite the appeal site is a row of seven bungalows all of which have visually prominent gabled front elevations (see Fig.5). Finally, at the southern end of St Thomas Avenue is a row of two storey detached houses which are constructed with extremely prominent, steeply pitched, gabled front elevations (see Fig.7).

5.10 The planning permission granted under APP/18/00753 allowed a number of changes to be made to the appeal property. The construction of these additions, particularly the front two-storey extension will, when implemented, inevitably change the way that the dwelling appears within the row of existing dwellings. The appellants contend that when ‘read’ in the context of all these other changes the addition of a gabled roof would be barely noticeable. It is contended, therefore, that the LPA has placed far too much weight on the need to retain a uniformity of building style that has, to all intents and purposes, already been lost with the granting of planning permission under APP/18/00753.

5.11 Officers, at paragraph 8.1 of their report acknowledge that dwelling “*is within a well spaced plot, set back from the front curtilage*”. The proposed two-storey extension, whilst 1.5m further forward than the front elevation of No.47 (to the south), would still be set away from the back edge of the pavement by a distance of some 6.8m. The appellants contend that this set-back distance would help ‘mitigate’ any perceived harm that that would be caused by the proposed gable and also diminish its prominence within the streetscene. The appellants argue that the LPA are being far too prescriptive, and unreasonable, in demanding that the roof of this extension is built in only one way - with a hip. The appellants are of the strongly held view that, when seen in a context of all the other alterations to the house, the provision of a gable roof to the proposed two storey extension would be wholly appropriate. Additionally, they argue that given the predominance of gable ends within the St Thomas Avenue streetscene the proposed roof form would not look over dominant or intrusive but would complement the appearance of existing residential development within both the immediate and wider area. They contend, as such, that the gable would not look out of place or “*appear overly dominant and visually intrusive in the street scene and out of character with the area*” as is claimed by the LPA.

Glazing

5.12 Prior to submitting the application that is now the subject of this appeal the appellants reconsidered all aspects of their original planning application submission under APP/18/00753. The appellants agreed that the glazing within their original proposals may have appeared as top-heavy. They also considered that the alignment of the ground and first floor windows could be improved. As part of the revised proposals they: (i) reduced the quantity of glazing within the apex so that it would appear much more modest, and in proportion with the front elevation, and; (ii) added a further window pane to the ground floor window so that the windows at ground and first floors aligned. In visual terms, therefore, the

appellants argue that the appeal proposal is now a much-improved design to their original proposals.

5.13 The appellants are extremely surprised that the LPA, having refused the application partly on the basis of “glazing”, has made no mention, whatsoever, of the proposed glazing to the two-storey extension in its Officers report. Consequently, the appellants cannot ascertain exactly what aspect of the proposed glazing the LPA is objecting to. The appellants argue that the glazing proposed by this appeal is a significant improvement to that shown in the original proposals. The direct comparison between the original and current glazing schemes can be seen at Figure 10. The appellants contend most strongly that the glazing currently proposed to the apex of the gable is modest and proportionate with the scale of the two-storey extension. Similarly, they are of the view that the addition of the extra window unit to the ground floor glazing would ensure that the ground and first floor windows align. The appellants disagree with the LPA therefore that the proposed glazing would be harmful to the visual amenity of the streetscene.

5.14 The appellants argue that their proposals are compliant with current planning policy. For instance paragraph 127 of the NPPF states that *“Planning policies and decisions should ensure that developments... a) will function well and add to the overall quality of the area... b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping... c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change ...”* The appellants contend that their proposals are compliant with the design section of the NPPF.

5.15 Furthermore, the appellants consider that the appeal proposals are compliant with both Local Plan policy CS16 and the Council’s Design SPD. Policy CS16 states *“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... 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...”*

5.16 With regards to the guidance within the Design SPD the appellants are of the view that the elements used in the design of the gabled façade do reflect key architectural features found within St Thomas Avenue.

6.0 Conclusions

6.1 The appellants argue that, in the case of the appeal application, the LPA should have taken a more ‘balanced’ view. Rather than considering the perceived visual impacts of the design of the gable in isolation the LPA should have placed greater weight upon the fact that gable features are commonly used as a design element locally and contribute to the prevailing character of development in the wider St Thomas Avenue area.

6.2 The appellants contend that the addition of a gable roof to the two-storey front extension would represent only a small change to the alterations and extensions already approved under APP/18/00753. Similarly, the appellants consider that the addition of an apex window to the gable and another window pane to the ground floor elevation of the same extension would have only a negligible impact upon the visual amenity of the streetscene and wider area. The appellants contend that the proposal would not, therefore, appear as an overly dominant and visually intrusive in the street scene and out of character with the area in compliance with current planning policy.

6.3 It is considered, therefore, that the proposed development would not “*cause demonstrable harm to interests of acknowledged importance.*” It is respectfully requested that the Planning Inspector views the proposal favourably and allows this appeal.

APPENDIX I

**Drawings Approved under APP/18/00753, on 18th October 2018
(Attached as a separate document)**

APPENDIX II

**Appeal Drawings Refused under APP/18/01182
(Attached as a separate document)**

APPENDIX III

**Officers Report for Appeal Application APP/18/01182
(Attached as a separate document)**

APPENDIX IV

**Superseded Elevation Drawings for APP/18/00753
(Attached as a separate document)**