

TOWN AND COUNTRY PLANNING ACT 1990

APPEAL UNDER SECTION 78

APPEAL BY MR. M. BARNEY

**ERECTION OF A DETACHED THREE BEDROOM DWELLING
WITH INTEGRAL GARAGE.**

**LAND ADJOINING 1A SUTTON ROAD, WATERLOOVILLE,
HAVANT, HAMPSHIRE PO8 8PU.**

STATEMENT OF CASE

R.L.STUBBS MRTPI.

OCTOBER 2018.

1. INTRODUCTION

1.1 This is an appeal against the decision of the Havant Borough Council made under its Delegated Powers to refuse my client's planning application for the erection of one detached house with integral garage on land to the west side of my client's existing property at 1a Sutton Road, Waterloo, Havant. The application was acknowledged by the LPA as being received by them on the 2nd of February 2018 and was deemed valid on the 21st of February 2018. Planning permission was refused by decision notice dated 19th April 2018. The application reference number is APP/18/00148.

1.2 In considering the application the officers of the LPA sought to reject the application on the basis that:

1. It would by virtue of its size, design and prominent siting appear cramped and harmful to the character and appearance of the area conflicting with the pattern of development and setting in the street scene. The LPA determined that it would therefore be contrary to policy CS16 of the Havant Borough Core Strategy, the Havant Design Guide and the NPPF. In respect of the latter two matters no references or specific design guidance are identified as being specifically offended by this development.
2. The proposal would be overbearing and result in a loss of sunlight / daylight and therefore conflicts with policy CS16 of the HBCS, the HBC Design Guide and the NPPF, but with no policies, advice or specific paragraphs identified as being matters raised that are actually offended by this development
3. The proposal fails to provide a contribution towards the Solent Recreation Mitigation Strategy.

1.3 On the latter point my client has made the appropriate contribution towards signing the agreement with the LPA. However, we were advised in advance

of the decision by the LPA that it would be refusing the planning application and this matter was not concluded in the interim period. In the circumstances and with my client's agreement to sign the contribution with the LPA this matter should now be resolved. This will be dealt with as soon as you confirm the appeal is acceptable and progressing. For this reason I do not intend to amplify the submissions made in response to reason three although I do anticipate that the LPA will deal with and resolve its position to PINs accordingly.

- 1.4 I would again stress in respect of this proposal that when the application was submitted to the LPA it was confirmed by me that the window on the east elevation of the building serving the rear kitchen and the associated door to number 1a would be removed and bricked up prior to the dwelling being undertaken or in the alternative, that this would be done before the new dwelling was taken above DPC level on any wall. This ensures that any potential impact upon that rear outlook from the existing kitchen is removed before any of the new work is implemented above ground level or DPC thereby ensuring there would be no loss of light or overshadowing to the west elevation of the existing bungalow kitchen. That situation clearly remains today and if the appeal is allowed I would envisage that the imposition of an appropriately worded condition to that effect to ensure compliance in respect of the blue land i.e. the retained bungalow.

2. THE APPEAL SITE AND PROPOSED SCHEME.

- 2.1 A full Policy, Design and Access Statement was submitted with the application. This generally describes the position of the dwelling in the street and its relationship of the site to its neighbours. I do not consider it is necessary to repeat these matters again and would ask the Inspector simply to address the PDA Statement to consider such matters in considering and determining this appeal.

3. PLANNING POLICY.

3.1 In considering and determining the proposal this scheme must be properly evaluated against Central Government Guidance and the Development Plan. In this case I would refer to the NPPF (Revised) as published in July 2018: this new version updates and moves the guidance itself forward. With regard to the Development Plan this is the Havant Borough Core Strategy 2011 and also the adopted SPD 2011 on design.

3.2 In respect of the HBCS the LPA cite policy CS16 in rejecting the scheme on both points. This policy raises a number of key aspects and copies of this policy will be provided by the LPA with the appeal questionnaire. The important aspects in respect of this development are:

Criterion 1.

Criterion 2.

Other matters raised within this policy are of a more general nature and are not directly related to this scheme or the development proposed.

3.3 In assessing the guidance of the HBDG I have looked again through the relevant guidance. I have had full regard to the general comments made and have looked at the height and mass of the building and its relationship in terms of its setting on all sides. In particular I have looked at paragraphs 5.25 and 5.33 on infill developments and the guidance given and I have also considered the potential site constraints arising in adding an additional unit on the space available for development: in my view we meet these criteria!

3.4 Finally, I refer to the NPPF and given the objections raised specifically on design. However, the guidance given is in respect of a single infill dwelling

somewhat limited and I do not consider that there are clear-cut objections arising from the consideration of this Guidance to this application.

- 3.5 I have highlighted in paragraph 1.2 in response to the reasons for refusal that no actual guidance nor information is given nor offered in respect of either the HBDG or the NPPF and I would expect the LPA to both identify the points of concern that they consider endorsed the reasons they have now put forward. In this respect I can only offer that if I so determine, wholly to respect the submissions made in this Statement, that I may need to make further comments in response. Of course it is not my client that has made these very general comments with reference to specific policies without any criteria or assessment as to what points are actually being considered. Finally, that from checking the up-to-date position with Havant BC (as recorded) I maintain that there remains a shortfall on housing land supply with only a published 4.3 years available on a five-year housing land supply, all as stated publicly. This clearly brings with it the obvious benefit of the stated presumption arising from paragraph 11 in favour of housing proposals.

4. THE CASE FOR THE APPELLANT.

- 4.1 I now seek to challenge and respond to the LPA's objections to the introduction of this single infill plot on the basis of the scheme presented.
- 4.2 In terms of the potential impact of the development the street scene is of a mixed form with houses and adjoining bungalows along the street. In considering and addressing the introduction of a new two-storey dwelling we have sought to ensure that the existing situation in respect of both development to either side and also to the rear back-to-back distance although we know there is a minimum of 25 metres clear between the rear first floor windows which is in excess of the LPA stated requirements.

- 4.3 In assessing to the east side we now have a new house promoted with the obvious impact of the concept of the unit upon the rear side kitchen window. The impact is not acceptable and given the existence of the kitchen window and doorway in the rear end elevation these can be removed and the side door relocated to the rear elevation. This we believe would directly address that concern leaving only the potential impact on the side door way halfway down the bungalow. The opening in the door will only light the hallway and there will be a loss of light to that hallway. However, we do not consider the loss of lighting that occurs to that hallway would be so great or harmful, particularly with other light sources being available from adjoining rooms, and on that basis the decision was taken not to relocate the entrance door to that property.
- 4.4 In looking to the west the relationship is firstly with a blank elevation of the garage building and then with the first floor windows further away. The separation distance here is a minimum of at least 5 metres looking back on to a closed or obscure glazed window in the side elevation of the proposal and in this respect given the current situation we did not determine that the proposed building would give rise to such harm as to warrant or justify a refusal of planning permission.
- 4.5 In the round my client has promoted a design that we believe sits within the setting without creating unacceptable harm to any of the three neighbouring properties. This advice clearly follows paragraph 5.3 in the HBDG for infill development. We maintain, again, that the potential harm to 1a Sutton Road is addressed through the removal of the window and doorway into the kitchen with the latter resited in the rear elevation. In this respect I fail to understand why the LPA seeks to resist this proposal in claims arising in respect of overbearing impact and loss of sunlight / daylight.
- 4.6 In respect of potential impact on the street scene I am unsure if the LPA is more concerned about the loss of the "amenity space" to the side of number

1a which has historically been partially overgrown with shrubs / trees; or, in the alternative, that it is truly the impact of the development. In preparing and presenting this scheme I undertook a specific assessment of the existing built form; especially of the amount of houses and bungalows along the street and also on their siting. The general format of all buildings follows the sound line in establishing the basis of the building line, however, that is under-dispersed with single storey front projections affecting the general layout of the street. These are reflected and presenting in this dwelling with a garage and porch projection. The requirement is of course to accommodate the motor car as design requirement with a limited forward projection giving a break-up to the front elevation without appearing out of character. It appears to me that the LPA do not like this but it is also a fundamental design expectation in seeking to address the need for a projecting garage facility to the house. It is in my opinion that the proposal of both garage and porch are prerequisites to the basic design of the house. They are not prominent in the street scene and they are in my professional opinion acceptable, especially having regard to the nature and format of other dwellings in the locality.

- 4.7 In assessing the impact of the development on the wider street scene the format of the design is similar to that of the two storey houses to the west and indeed also reflects upon the single storey style of the dwellings slightly further to the east. The main bulk of the building is set further back and it is here that the front elevation is more pronounced where the plot itself is that much wider. In terms of its own impact I consider that this development reflects upon the street scene and also follows what I have considered and determined to be the established pattern of development to the street itself. In this respect I believe that the development is not in itself out of character nor so physically unimpressive on the street scene to be so out of character or warrant or justify refusing the application in the context of reason one.

5. CONCLUSIONS.

- 5.1 In my professional judgement full and proper regard was paid to the location and potential impact of development upon the street scene in assessing the ability to secure planning permission for this infill plot. Full assessment was made of its impact in the wider sense; in making provisions of car parking and having a stepped pattern of development that was not out of character with its surroundings. With regard to reason one this objection is not in my opinion justified and there is clearly scope for the introduction of a new dwelling in the format contained within this planning application.
- 5.2 In assessing the impact of this infill plot we have paid full and proper regard to the impact of this infill plot. We have addressed all three of the adjoining plots in respect of potential harm / or changes arising and we have clearly addressed these important side windows to 1a to be resolved very clearly in the development process. in this respect we totally resist all claims made by the LPA in respect of this being overbearing or resulting in a loss of sunlight / daylight to the existing property.
- 5.3 On behalf of my client I would now ask the Inspector to determine that this proposal is acceptable and hence allow this appeal granting planning permission accordingly.

R.L.STUBBS MRTPI.

8th OCTOBER 2018.