

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

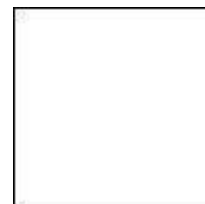
**STATEMENT OF
HAVANT BOROUGH COUNCIL**

**Land adj. 17 Lockerley Road
Havant
PO9 2HB**

**Local Planning Authority Reference:-
APP/17/00773
Planning Inspectorate Reference:-
APP/X1735/W/17/3191541**

HAVANT BOROUGH COUNCIL

TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)



APPEAL BY Mr West Havant Housing Association AGAINST REF Construction of 6No. 1-bed studio apartments on land adjacent to 17 Lockerley Road, Havant. AT Land adj. 17 Lockerley Road, Havant, PO9 2HB

Planning Inspectorate Reference: APP/X1735/W/17/3191541

LPA Ref: APP/17/00773

1.0 INTRODUCTION

- 1.1 The application was validated on 21st July 2017 and sought permission for 'Construction of 6No. 1-bed studio apartments'. The application was dealt with under Delegated Powers and was refused on 13th October 2017 for the following reason:

1. The proposal would, by reason of its design, height, mass, bulk and siting in such close proximity to the back edge of the highway and public area, result in the loss of the spacious setting of the existing building and be out of keeping with the immediate surrounding area. This would have an overbearing, dominant and oppressive effect, resulting in an intrusion into the streetscape that would be detrimental to the visual amenities and spatial characteristics of the immediate setting of the site. The proposal is therefore contrary to policy CS16 and DM7 of the Havant Borough Local Plan (Core Strategy) 2011, the Havant Borough Design Guide SPD 2011, and the National Planning Policy Framework 2012.

- 1.2 It is considered that the Delegated Report is sufficiently detailed to also constitute the LPA's Statement of Case. Therefore, the Inspector is respectfully requested to first refer to this document that has already been forwarded with the appeal questionnaire.
- 1.3 This Appeal Statement will not duplicate, but only update and elaborate on the reason for refusal as follows:

2.0 PLANNING POLICY UPDATE

- 2.1 The Council is preparing a new Local Plan and consulted on a Draft (Regulation 18) version of the [Havant Borough Local Plan 2036](#) (HBLP 2036) between 8 January to 16 February 2018. Whilst the Plan has limited weight in decision-making at this stage in the plan preparation, it is of relevance in setting out the Council's direction of travel.

3.0 PLANNING CONSIDERATIONS and COMMENT ON GROUNDS OF APPEAL

- 3.1 It is agreed that the principle of housing is supported and in accordance with Paragraph 14 of the NPPF, the presumption in favour of sustainable development, *unless material considerations indicate otherwise*, is acknowledged. However, it is the detailed material considerations about the precise setting of this site and the impact of the detailed design on the streetscape that the LPA find unacceptable. The benefits of the

scheme in terms of the NPPF's economic and social role, are not considered sufficient to outweigh the harm to the environmental role.

- 3.2 The Appellant has provided out of date Google photographs of the site that do not reflect the 2017 upgrade to the existing building and new close boarded fence line. See current photographs below:



- 3.3 As can be seen from the above photographs the site is currently in a particularly

spacious setting surrounded by wide grass verges, open car parking, the play area to the north and low-rise school to the east. The grass verges and mature trees provide an open, verdant setting. The lack of adjacent development is a feature in itself. It is the existing new close boarded fence at the appeal site that currently stands out as a dominant feature in the street scene.

- 3.4 The extent of the adopted highway is also noteworthy, and Appendix A provides a copy of the Council's GIS Layer showing the adopted highway. The grass verge between the roadside kerb and the tarmacked footpath form the adopted highway, but the existing narrow grass strip between the footpath and the existing fence line is beyond the adopted highway and part of the application site. Therefore, the existing fence line is set within the application site and not at the site's edge.
- 3.5 The appeal proposal would result in a two-storey side extension of some 7.2m width that would extend up to the existing fence line. The fence line therefore helps in the assessment of the extent of the proposed development – it would be two stories up to the fence line. The proposed 900m railings would be set at the edge of the site and therefore at the back edge of the tarmacked footpath. Effectively the existing grass strip between the fence and footpath would become an enclosed landscaped strip between the railings and building.
- 3.6 It is the bulk and mass of a two-storey development in such close proximity to the back edge of the adopted highway and footpath that the LPA consider would be unacceptably overbearing and detrimental to the otherwise spacious setting of the immediate area. The length of the proposed two storey element would be some 15.8m and the combined length and height would result in an intrusive and jarring encroachment of building mass and profile into this otherwise spacious street scene. It is considered that the resultant dominant effect would be detrimental to the visual amenity of the area and harmful to the amenity of users of this well used footpath serving the park, school and local convenience shops.
- 3.7 It is the LPA's opinion that the proposed additional bulk at the back edge of the highway would be contrary to the good design paragraphs of the NPPF in that the resultant overbearing, dominant effect would not contribute positively to the public space and setting of the area. The character of the wider area is predominantly linear post-war housing all having front gardens and a significant set back from the highway. These spacious frontages contribute to the verdant character of the area and building lines. Paragraph 58 of the NPPF requires development to respond to local character to create attractive places and use appropriate landscaping and paragraph 60 seeks development that reinforces local distinctiveness. The proposal would not respect this character in that there would be no significant set back to St Alban's Road and no traditional, useable front garden areas on the St Alban's Road frontage. It is contended that the loss of the space to the east of the existing building through the proposed two storey development does not respect the local character and distinctive setting of this area. Furthermore, the narrow frontage landscaping strip enclosed behind 900m railings is likely to be ineffective and would not be 'owned' and cared for by future residents and could become untended and attract litter in the long term.
- 3.8 Policy DM7 of the adopted Core Strategy considers Specialist Housing developments such as this proposal by Havant Hosing Association for Assisted Living accommodation. Criterion 2 requires a setting for the building that is in keeping with the surrounding area. It is this criterion that the proposal fails. The existing spacious setting would be lost to the detriment of the visual appearance of the area.
- 3.9 Policy CS16 seeks High Quality Design and in particular requires developments to

respond to and respect local context and produce a positive relationship between buildings, street and spaces. It is considered that the two-storey eastward projection towards St Alban's Road by 7.2m and with a length of 15.8m would encroach into the identified spacious character and setting of the immediate area. This would be overly dominant and intrusive in the street scene and on the adjacent public highway which would result in a poor relationship between the built form, street and spaces, contrary to this policy.

- 3.10 The Inspector's attention is also drawn to Havant Borough Council's adopted Design Guide that recognises that it is the interaction of buildings, the space between them and people that constitutes urban design. Good design is encouraged and includes views and vistas. Paragraph 4.16 and 4.17 of the Design Guide notes that corner buildings are particularly important because of their landmark position on more than one street. It notes that views should be considered an asset. Paragraph 4.19 notes that framed streets and spaces vary in their sense of enclosure and developments proposed in suburban residential areas should analyse the sites context and degree of continuity and enclosure.
- 3.11 It is contended that the area between Lockerley Road, the Co-Op to the north and Littlegreen Avenue, is a valuable community, public area. The adjacent park, school and convenience stores make this area well used by local residents and the interaction between the buildings and public space is particularly important. The openness and spacious setting provides a valuable public amenity contributing to the enjoyment of this community area. It is considered that the proposed development would be overly imposing and harmful to the open setting and enclosure currently characteristic of this immediate public area, contrary to the adopted Design Guide SPD, as well as policies CS16 and DM7.
- 3.12 Accordingly the LPA remain of the view that the harm to the visual appearance of the streetscene and local environment from the design, height, mass and bulk of the proposed extension, are material considerations sufficient to outweigh the presumption in favour of sustainable development.
- 3.13 With respect to the proposed zero parking it is considered that this is acceptable given the likely tenants and bus route on St Albans Road. However, should the units be occupied as standard C3 residential flats in the future then the need for on site parking would need to be reviewed. Therefore it is recommended that should the Inspector allow the appeal, then a condition should be imposed limiting the future occupiers to supported housing schemes as identified in Class C3(b) of the Town and Country Planning (Use Classes) Order 1987 as amended.

4.0 DEVELOPER CONTRIBUTIONS

- 4.1 The proposed additional dwellings are subject to Policy DM24 and a financial contribution towards mitigating against the additional recreational pressure on the Solent SPA. The necessary signed Deed and payment of £1160 were received at application stage. The proposal is therefore considered compliant with policy DM24.
- 4.2 As new build residential development the proposal is CIL liable. However as affordable housing the development qualifies for Social Housing relief. The appropriate forms have been received and the appropriate Draft CIL Liability Notice prepared. A copy is attached at Appendix B for the Inspector's reference.

5.0 CONCLUSIONS

- 5.1 The LPA consider that the proposed side extension to form 6No. 1 bed studio apartments for Havant Housing Association would unduly intrude into the streetscape and be out of keeping with the spacious characteristics of the immediate locality. By virtue of the design, height, mass and siting of the proposed two storey extension in such close proximity to the back-edge of the highway, it is considered that the development would be overbearing and dominant. As a result, the proposal would be harmful to the visual setting of the site and contrary to policies CS16 and DM7, the Borough Design Guide SPD, and NPPF. The Inspector is therefore respectfully requested to dismiss this appeal.

6.0 SUGGESTED CONDITIONS

- 6.1 If the Inspector is minded to grant planning permission for the development, then the LPA would suggest the following conditions:

1. The development must be begun not later than three years beginning with the date of this permission.
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The external materials used shall match, in type, colour and texture, those of the existing building so far as practicable.
Reason: In the interests of the amenities of the area and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, (as amended) and any Town and Country Planning (General Permitted Development) Order, the hereby approved development shall only be occupied for C3(b) purposes; and for no other purposes within Class C3; of the above Use Classes Order.
Reason: In the interests of highway amenity and having due regard to Policies CS16 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
4. No development shall commence on the site until details of the proposed landscaping planting for the eastern road frontage area have been submitted to and approved in writing by the Local Planning Authority. Such approved planting shall be completed prior to the first occupation of the development. All such planting shall be maintained to encourage its establishment for a minimum of five years following contractual practical completion of the development. Any trees or significant areas of planting which are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective within this period shall be replaced before the end of the next planting season.
Reason: To ensure an appropriate standard of visual amenity in the local area and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
5. The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location Plan Drawing No: 28018-PD100
Proposed Site Plan & Block Plan Drawing No: 28018-PD102
Proposed Floor Plans & Elevations Drawing No: 28018-PD103 rev A
Design & Access Statement - 28018-PD110

Reason: - To ensure provision of a satisfactory development.

APPENDIX A

GIS Extract showing Adopted Highway

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PO9 2HB**

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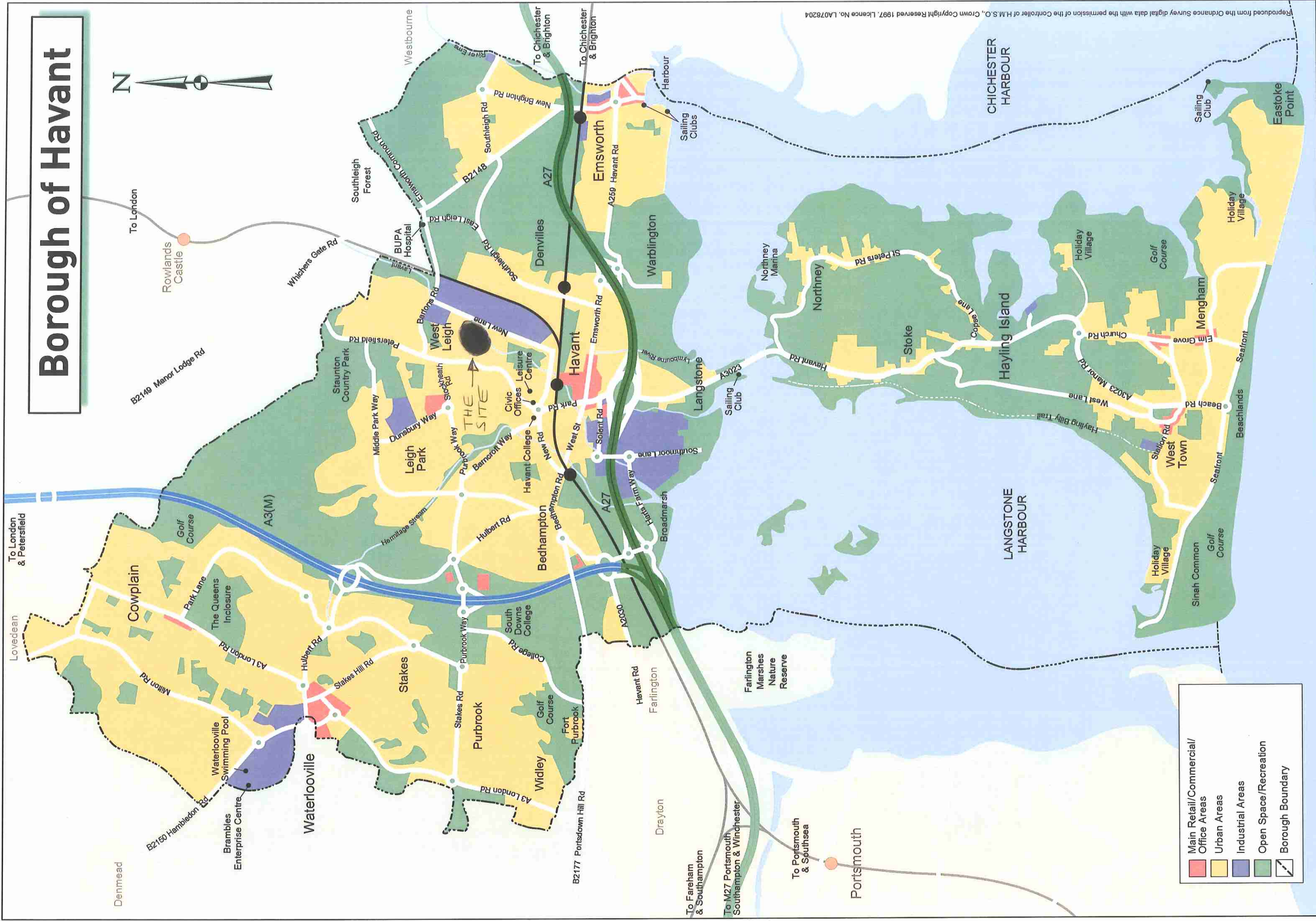
APPENDIX B

Copy of Draft CIL Liability Notice

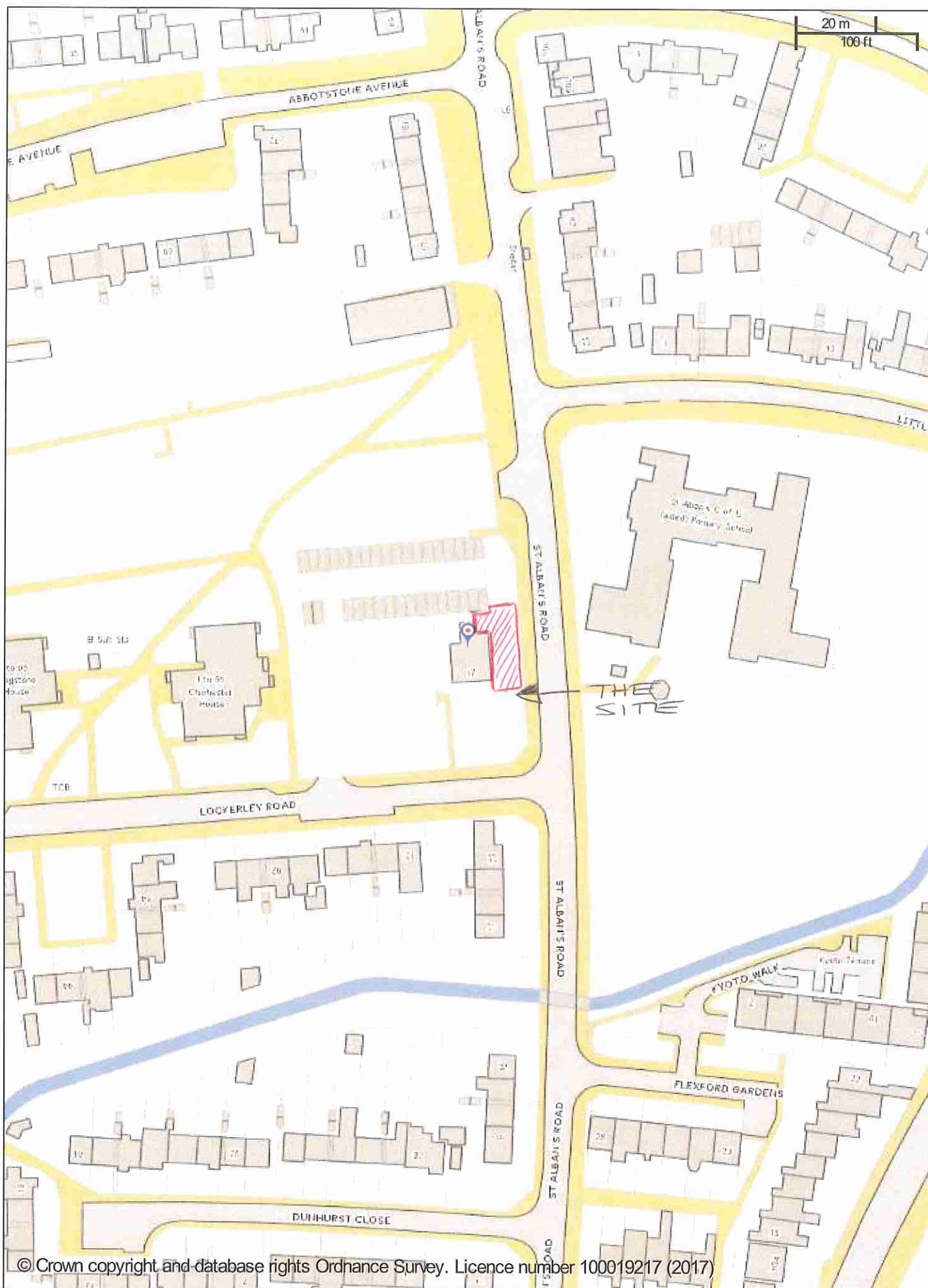
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Borough of Havant



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Land Adj 17 Lockerley Road, Havant 3191541

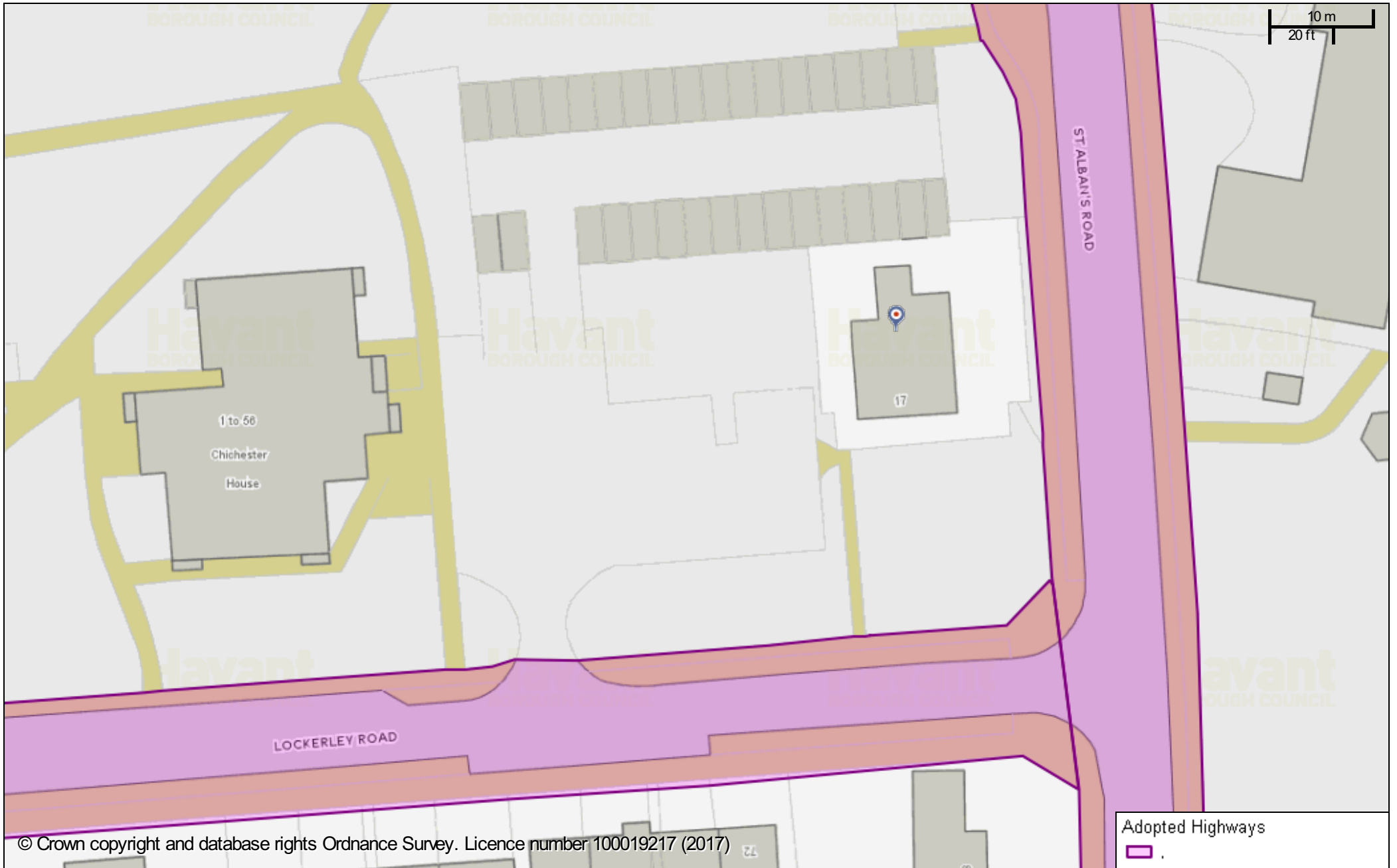


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Havant
BOROUGH COUNCIL

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Adopted Highway adj 17 Lockerley Road

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Community Infrastructure Levy (CIL) DRAFT LIABILITY NOTICE

Havant Housing Association
25 East Street
Havant
PO9 1AA

Our Ref: DLN00002079
Direct Line: (023) 9244 6527
Ask For: Jemma Howard
Email: cil@havant.gov.uk
10 May 2018

Dear Sir/Madam

**Description of Chargeable
Development**

Address

Planning Permission

Construction of 6No. 1-bed studio apartments on
land adjacent to 17 Lockerley Road, Havant.

Land adj. 17 Lockerley Road, Havant, PO9 2HB

APP/17/00773

**THIS LETTER SETS OUT POTENTIAL CIL LIABILITY FOR INFORMATION - THIS DOES NOT
CONSTITUTE THE GRANT OF PLANNING PERMISSION AND NO FORMAL PLANNING DECISION
HAS BEEN MADE**

CIL Liability

This development will become formally liable to pay CIL when planning permission first permits development. At this point a Liability Notice will be issued with a formal calculation of the CIL chargeable amount. If the circumstances of the application change between now and formal determination of CIL liability, the chargeable amount may be greater or less than that stated here. See the next section of this notice for further details.

This notifies you that under current circumstances you will be liable to pay

£0.00 of Community Infrastructure Levy to Havant Borough Council as CIL collecting authority on commencement of development of planning permission APP/17/00773. This charge is levied under HBCs CIL Charging Schedule, and S211 of the Planning Act 2008. Further details on the CIL payment procedure can be found below.

HBC

Description	Chargeable Area	Rate/sq m	Index	Area Charge	Relief	Total
Residential Rest of Borough - 80.00	175.00 sqm	£80.00	1.348	£18,875.00	£18,875.00	£0.00

CIL Total for this charging authority

Total Liability for HBC	£0.00
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Total CIL Liability

£0.00

Social Housing Relief Breakdown	Havant Housing Association	£18,875.00
Relief Totals	Social Housing Relief (Mandatory)	£18,875.00
Area Totals (sqm)	Total Development	175.00
	Demolitions*	0.00
	Existing Use*	0.00
	Chargeable Area	175.00

* Demolished floorspace and existing floorspace are only included above if eligible for deduction from the chargeable area.

How we calculated this figure

We calculated this figure using the formula below as set out in regulation 40 of the CIL Regulations 2010 (as amended):

$$\text{The CIL Total Area Charge} = \text{Chargeable Area (A)} \times \text{Rate (R)} \times \text{Index (I)}$$

The Chargeable Area is the gross internal area of the total development less the floorspace of any existing buildings which are eligible deduction.

To be eligible for deduction, the existing buildings must be situated on the relevant land on the day planning permission first permits the chargeable development and be 'In Use'.

A building is defined as being '**In Use**' if part of the building has been in continuous use for a period of at least six months within the period of three years ending on the day planning permission first permits the chargeable development.

The charge will be index linked based on the following formula:

I_p/I_c where I_p is the index figure for the year in which planning permission was granted and I_c is the index figure for the year the charging schedule took effect (2012), using the national All-in tender price index published by the Building Cost Information Service (BCIS).

New liability notices may be issued

Any change in the details contained in this notice which affect the calculation of the chargeable amount will lead to the Council issuing a new liability notice. Changes requiring a new calculation of the chargeable amount may arise from:

- A change to the liable party
- Granting of a Community Infrastructure Levy relief
- Any existing buildings deducted from the CIL-liable floorspace are subsequently found not to have qualified as being 'In Use' (defined above) for a continuous period of at least six months within the period of three years ending on the day planning permission first permits the chargeable development

Please note it is your responsibility to notify us if:

- There is a change in the liable party. In this case, please complete a Withdrawal of Assumption of Liability form and or a Transfer of Assumed Liability form
- The liable party's contact details change

- There are any changes in the floorspace details involved in the chargeable development. In this case, please submit a new Planning Application Additional Information Requirement Form

Are you eligible for relief from CIL?

The relief granted in this notice is subject to a disqualifying event not occurring within seven years of commencement of development.

When will this CIL amount be due for payment?

If the payment procedure is followed correctly, this CIL amount will be payable 0 days after commencement.. The council's CIL Instalments Policy can be viewed online:

www.havant.gov.uk/sites/default/files/documents/Adopted%20instalments%20policy.pdf

Do you think we have made a mistake in our calculations?

You can ask us to review our calculation.

If you are unhappy with the calculation following this review, you can appeal to the Valuation Office Agency. Please see the Planning Portal note on the Appeals Procedure for further information.

Recipients of this Liability Notice

Other recipients of this notice include the following (where relevant):

- Those jointly liable to pay CIL or those who have jointly assumed liability to pay CIL.
- Each person known to the authority as an owner of the relevant land.
- The person who has applied for planning permission or submitted a notice of chargeable development, where this is different to those above.

Name and address of all recipient(s) of this notice	Category of recipient
Havant Housing Association 25 East Street Havant PO9 1AA	Liable Party

Please note, the agent acting on behalf of the applicant may also receive a copy of the Liability Notice.

Further Information

Further information and all CIL forms are available on the Planning Portal website at www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil and the Havant Borough Council Website at www.havant.gov.uk/planning-policy-design/community-infrastructure-levy

If you need to contract us or are unable to obtain a particular form please contact a member of our CIL Team. If you have any queries regarding CIL please contact us at cil@havant.gov.uk or a member of our CIL Team on (023) 9244 6527 or if no reply (023) 92446545.

Yours faithfully

[Planning Services](#)

Our Ref: APP/17/00773

