

Appeal Decisions

Site visit made on 28 August 2018

by Kenneth Stone BSc Hons DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18th September 2018

Appeal A: APP/X1735/W/18/3195210

16 Langstone High Street, Langstone, Hampshire PO9 1RY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Peter Oliver against the decision of Havant Borough Council.
 - The application Ref APP/17/00928, dated 18 August 2017, was refused by notice dated 13 November 2017.
 - The development proposed is described as 'proposed garden room extension with roof terrace above (retaining previous proposals as approved)'.
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Appeal B: APP/X1735/Y/18/3196024

16 Langstone High Street, Langstone, Hampshire PO9 1RY

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Peter Oliver against the decision of Havant Borough Council.
 - The application Ref APP/17/00929, dated 18 August 2017, was refused by notice dated 13 November 2017.
 - The works proposed are described as 'proposed garden room extension with roof terrace above (retaining previous proposals as approved)'.
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Decisions

Appeal A

1. The appeal is allowed and planning permission is granted for a garden room extension with roof terrace above (retaining previous proposals as approved) at 16 Langstone High Street, Langstone, Hampshire PO9 1RY in accordance with the terms of the application, Ref APP/17/00928, dated 18 August 2017, subject to the conditions contained in the schedule at the end of this decision.

Appeal B

2. The appeal is allowed and listed building consent is granted for a garden room extension with roof terrace above (retaining previous proposals as approved) at 16 Langstone High Street, Langstone, Hampshire PO9 1RY in accordance with the terms of the application Ref APP/17/00929, dated 18 August 2017 and the plans submitted with it subject to the conditions contained in the schedule at the end of this decision.

Main Issues

3. The main issues are:
 - In relation to both appeal A and appeal B, whether the proposals would preserve the Grade II listed building known as 16 Langstone High Street or any features of special architectural interest that it possesses;

- In relation to appeal A only, the effect of the proposed development on the character and appearance of the area, including Langstone Conservation Area and the Chichester Harbour Area of Outstanding Natural Beauty; and
- Also in relation to appeal A only, the effect of the proposed development on the living conditions of the occupiers of 15 Langstone High Street.

Reasons

Listed Building

4. Paragraph 193 of the National Planning Policy Framework (the Framework) requires that great weight should be given to a designated heritage asset's conservation when considering the impact of proposals on their significance. Sections 16(2) and 66(1) of the Planning (listed Buildings and Conservation Areas) Act 1990 require that I have special regard to the desirability of preserving the building or its setting or any features of special architectural interest which it possesses when considering planning and listed building consent proposals. Advice on how the intention of this protection should be applied has been provided in the Barnwell Manor Wind Energy Ltd court of appeal judgement¹ which advises that Inspectors need to give considerable importance and weight to the desirability referred to in sections 16(2) and 66(1).
5. The appeal property is one of a terrace of three two storey timber framed cottages dating from the C18 with C20 alterations and extensions. The properties are constructed with principally a rendered finish to the walls with some vertical tile hanging and a roof of plain clay tiles. Originally probably constructed as fishermen's cottages they are located on the shorefront and hold a prominent position. The property's significance derives from its age, construction and historical association with the seaside location.
6. Planning permission and Listed Building Consent exists for an extension to the existing structure which would widen the existing C20 extension building and alter its fenestration. The proposals seek to add a further single storey ground floor garden room to that proposed extension and to use the roof of the single storey extension as a roof terrace. The proposals include the provision of railings around the roof terrace and fixed planting at the rear of the terrace.
7. None of the physical works or alterations would affect the original part of the building; no historic fabric would therefore be affected as a result of the proposals. Moreover the proposed extension would not alter or affect the historic layout of the original building and would not therefore detract from an understanding of the original plan form of the building.
8. The proposed garden room addition would extend the footprint of the building towards the adjoining property and infill the gap between these properties. This ground level space is however behind a high front boundary wall which restricts views into the courtyard area and limits the visibility of the area. The separation does not of itself make an important contribution to the significance of the listed building which is primarily related to its simple form, historic construction and original purpose. These are not affected by the modest

¹ Barnwell Manor Wind Energy Ltd v East Northants DC, English Heritage, National Trust and SSCLG [2014] EWCA Civ 137.

addition to the side of the property. The subservience and set back of the proposed garden room ensure that the proposal would have little effect on the appearance of the main original terrace which comprises the original cottages. The extended element of the setback existing extension has already been found acceptable by the Council and this would further separate the ground floor garden room from the original building.

9. The proposed addition would be a modest subservient feature discretely located towards the rear of the building. The extension is modern in form with large wood framed glazed doors, general form and use of materials. But the nature of its form, location and materials assist to distinguishing it from the original building as a respectful and well-mannered addition to the property. It does not compete with the original building or detract from its significance.
10. The limited element of the flat roof that may project above the existing garden wall and the railing balustrade are minor features that would have very limited impact on the appearance or appreciation of the listed building and would be well separate from the original C18 timber framed terraced group.
11. On the basis of the above I therefore conclude on this issue that the proposal would preserve the listed building and there would be no material harm to any features of special architectural interest that it possesses or to its setting. Consequently it would not conflict with Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and Policy DM20 of the Havant Borough Local Plan (Allocations) 2014 which amongst other matters seek to protect conserve and enhance the boroughs heritage assets including listed buildings.

Character and appearance of area

12. The appeal site is located within the Langstone Conservation Area which derives its significance from the historic settlement pattern including a consistent local building style, scale, heights of buildings and the use of materials. The site is also located with the wider Chichester Harbour Area of Outstanding Natural Beauty which the settlement contributes to.
13. The proposed extension is a modest subservient addition set back from the main frontage of the building adjacent to previous extensions and behind an existing garden wall. For these reasons the proposals would not hold a prominent position in the street or surrounding area. Whilst there would be an extension added that would be closer to the neighbouring property this would not be readily apparent and would have a limited visual impact. This would be due primarily to the single storey form of the extension, its recessed position and its location at a point in the road where the properties change direction in their alignment. The limited additional height and enclosure created by the open metal railings would have limited effect on the appearance of the area.
14. The limited locations from where the extension would be viewed and the limited visual impact would ensure that the proposed extension would not materially harm the character of the conservation given that there would be no change to the general integrity form, scale or height of properties in the area. The two storey extension that would be added to has been the subject of previous approvals by the Council.

15. There would be no substantive effect on the wider Chichester harbour Area of Outstanding Natural Beauty given the limited nature of the proposal and the discrete location of the modest extension.
16. Overall I am satisfied that, for the reasons given above, the proposed development would not harm the character and appearance of the conservation area, which would be preserved, nor would it harm the AONB. Consequently it would not conflict with policies C11 or C16 of the Core Strategy.

Living conditions

17. The use of the roof of the garden room as a balcony area would also include the provision of railings to the front and a landscaped screen to the rear. The extension would directly abut the flank wall of the adjoining property No. 15. There are no openings in the flank wall and therefore there would be no loss of light or views into the property. There is a conservatory to the rear of No.15 which is sited beyond the end of the proposed extension. There may be some potential for oblique views down towards the roof of the conservatory but given the angle this would be limited. The proposals include the provision of a landscape planter to screen views towards the rear. With this in place this should address any residual concerns regarding overlooking from the terraced area.
18. As to the wider garden area of No.15 the existing property at No.16 already has windows at first floor level and above that afford views towards the rear amenity space which would afford views of the area. There is some landscaping and trees within the garden of No.16, whilst these are not the subject of tree preservation orders the trees would be protected as the area is a conservation area. The other landscaping may well not be protected but there is no strong reason to suggest that the landscaping would be removed which would also reduce the screening and privacy of the appellant's property.
19. The proposed extension is within the depth of the original house and there would be no impact on other surrounding properties by virtue of the dominance or positioning of the proposed extension.
20. For the reasons given above I am satisfied that the proposed development would not materially harm the living conditions of the occupiers of 15 Langstone High Street, or other surrounding properties.

Overall conclusions and conditions

21. The proposed development would not result in material harm to the character and appearance of the area or the living conditions of occupiers of surrounding properties. The proposals would not harm the Conservation, which would be preserved, or the AONB and the proposal would preserve the grade II listed building. I have given considerable weight and importance to the effect of the proposals on the conservation of the listed building and the conservation area within which the development is situated. I have found that these are not harmed and are preserved.
22. Given the above the proposed development would not conflict with the development plan and there are no material considerations that would indicate a decision otherwise was appropriate. On that basis the planning permission should be granted. The listed building would be preserved and no features of

special architectural interest which it possesses would be affected and therefore the listed building consent should be allowed.

23. I have considered the conditions suggested by the Council in the context of the Planning Practice Guidance. I have sought to avoid repetition and therefore where it is suggested conditions requiring details are to be submitted I have done this on only one of the decisions. Also the listed building consent is allowed on the basis of the plans submitted with the application and the reason for an approved plans condition is in part to allow flexibility such a condition is therefore not appropriate on the listed building consent.
24. On the planning permission the standard time limit and an approved plans condition are necessary and appropriate in the interests of proper planning and for the avoidance of doubt. A condition requiring submission of details of the materials and fenestration are required and these are imposed on the Listed Building Consent.
25. For the reasons given above I conclude that both appeals should be allowed.

Kenneth Stone

INSPECTOR

Schedule of conditions for Appeal A: APP/X1735/W/18/3195210

- 1) The development hereby permitted shall begin not later than [3] years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location and block Job No 3125, drg No P02; Existing plans Job No 3125, drg NoEX01; Proposed plans Job No 3125, drg No P01M; South Elevation received 13 October 2017.

END

Schedule of conditions for Appeal B: APP/X1735/Y/18/3196024

- 1) The works authorised by this consent shall begin not later than [3 years] from the date of this consent.
- 2) No works shall commence on site until details, including labelled samples (manufacturer, type and where it is to be used) of all external materials (including finishes). have been submitted to, and approved in writing by the local planning authority. Only the approved materials shall be used in carrying out the works hereby approved.
- 3) Notwithstanding the approved plans, the works hereby permitted shall not be commenced until detailed drawings of the new windows and doors have been submitted to, and approved in writing by the local planning authority. The details to comprise:-
 - a) Plans to clearly identify the window and door in question and its location within the property by cross referencing to an elevation drawing or floor plan for the avoidance of doubt.
 - b) 1:20 elevation and plan; 1:5 section and full size glazing bar detail.. The details to include the position of the window within the opening (depth of reveal) and method of fixing the glazing (putty or beading)
 - c) The materials used, method of opening and finishes.

The works shall be carried out in full accordance with such approval and be retained thereafter.

END