

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

APPELLANTS GROUNDS FOR APPEAL

16 Langstone High Street, Havant, PO9 1RY

Planning Application Reference: APP/17/00928

*On behalf of:
Mr P Oliver*

*Prepared by:
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January 2018

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1.0 Introduction and Background to the Appeal

(i) Instructions

- 1.1 Neame Sutton Limited, Chartered Town Planners, is instructed by Mr Peter Oliver ("the Appellant") to submit an Appeal via the Householder appeals service against the refusal of Havant Borough Council ("the Council") to grant full detailed planning consent in respect of 16 Langstone High Street, Havant, PO9 1RY, for the:

'Proposed Garden Room extension with roof terrace above.'

- 1.2 The relevant planning application reference is APP/17/00928.

- 1.3 This Written Statement sets out the Appellant's full Grounds of Appeal in respect of the Appeal.

(ii) Background to the Appeal

- 1.4 The Application was reported to Members of the Development Management Committee meeting on 9th November 2017, with an Officers recommendation for approval, but was overturned by Members who refused the proposal on the basis that:

Reason for Refusal 1: The proposed extension by reason of its size, flat roof, design, materials and positioning would site as an incongruous projection on the side elevation which would undermine the setting and character of this listed building. Furthermore the proposals would not preserve or enhance the appearance of the Langstone Conservation Area, nor the special qualities of the Chichester Harbour Area of Outstanding Natural Beauty. The development proposal is therefore in conflict with sections 66 & 72 of the Planning (listed Buildings and Conservation Areas) Act 1990, paragraph 132 of the National Planning Policy Framework and policies CS11, CS12 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and Policy DM20 of the Havant Borough Local Plan (Allocations) 2014.

Reason for Refusal 2: The proposed roof terrace would be likely to give rise to direct overlooking of No.15 Langstone High Street to the detriment of the amenities of the occupiers of this property. The proposal is therefore contrary to Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 1.5 The Appellant considers the Appeal proposal to be fully compliant with the requirements of National policy, the Development Plan and the Langstone Conservation Area Review – Character Appraisal and Management Plan 2011, and appropriate for the context and setting of the Appeal site.
- 1.6 On this basis the Appellant has taken the decision to lodge and pursue this Planning Appeal.

2.0 Appellants Grounds for Appeal

2.1 Dealing with each reason for refusal in turn:

Reason for Refusal 1:

- 2.2 In his deputations to Members, Cllr Wilson acknowledges that having regard to the guidance regarding Chichester Harbour AONB, the Langstone Conservation Area and Listed Buildings, *"it is open to more than one interpretation or opinion"*, and that there is therefore *"scope for you as a Committee to refuse permission on the basis of an equally valid but differing interpretation"*.
- 2.3 A copy of Cllr Wilson's deputation is attached Appendix 1, and whilst Cllr Wilson highlights to Members where in the guidance they are able to take a different view, Cllr Wilson does not demonstrate what actual harm the appeal proposal gives rise to on the Listed Building or Conservation Area.
- 2.4 That said, Members went on to refuse planning permission and a copy of the Committee Minutes and Notes of a Member Site View are attached at Appendix 2.
- 2.5 It is evident therefore that this appeal has arisen as a direct result of a difference of opinion between the Professional Officers of the Council and its Elected Members, albeit that the Appellant acknowledges that Members do not have to accept the advice of their Officers in reaching a decision.
- 2.6 The Appellant concurs with the professional assessment and opinion of Officers of the Council, and in particular that the:
- 1) *Proposal results in no harm to the significance of the listed building:*
- 2.7 The details of the Historic England listing for no.16 Langstone High Street (attached at Appendix 3), confirms that the significance of this designated heritage asset relates solely to the fabric of the building.
- 2.8 The appeal proposal results in no harm to the listed building, as confirmed by the Conservation Officer's consultation response attached at Appendix 4.
- 2.9 As a consequent no harm to the significance of the designated heritage asset arises from the appeal proposal. The appeal proposal cannot therefore be in conflict with paragraph 132 of the Framework as alleged by the Council.

2) Does not cause harm to the setting of the Listed Building

- 2.10 The Council alleges harm to the setting of the listed building, yet as identified above the setting does not form part of the significance of the heritage asset.
- 2.11 This is perhaps not unsurprising given that a group of modest fisherman cottages would not be expected to be part of a wider setting as maybe the case, for example, with a country house and its associated estate and parkland.
- 2.12 The Council's refusal on the basis of setting is therefore entirely without foundation.
- 2.13 In summary, the appeal proposals complies with the relevant requirements of the Development Plan, Paragraph 132 of the Framework and Section 66 and 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990.

3) Does not cause harm to the Conservation Area.

- 2.14 The appeal site benefits from both planning permission (APP/15/00853) and listed building consent (APP/15/00854) for a 2 storey extension to provide an enlarged kitchen on the ground floor and enlarged bathroom and en-suite at first floor (Dwg. No P_01G of the application drawings shows the permitted extension).
- 2.15 The so called negative space referred to by Cllr Wilson in his deputation will therefore be reduced as a matter of fact through the implementation of the above permissions.
- 2.16 The addition of a further ground floor extension to accommodate a garden room that is to a large extent visually contained behind the existing brick wall, will not erode the remaining gap by virtue of the fact that the proposed roof terrace is open and does not affect the setting of no. 16 Langstone High Street as extended, or the adjacent property no.15.
- 2.17 Consequently, the appeal proposals preserve the negative space, which Cllr Wilson seeks to protect.
- 2.18 In considering the application proposals, neither the Council's Conservation Officer or Chichester Harbour Conservancy Officer raise objection in this regard, and both conclude that the proposed development represents a "modest addition", "the scale of which is considered to be acceptable".
- 2.19 Furthermore, the juxtaposition of no. 16 with the adjacent no. 15 results in a narrowing gap away from the High Street.
- 2.20 When viewed in the streetscene this gap is barely discernible given that it starts to turn the corner at the appeal site towards The Royal Oak pub and is therefore viewed at an oblique angle.

- 2.21 In addition, in practical terms the gap remains when compared with the consented scheme on the site as the proposed garden room and terrace above is set back within the appeal site such that the widest part of the gap immediately adjacent to the High Street is maintained.
- 2.22 On the basis of the above, the appeal proposals will not give rise to a negative impact on the character and appearance of the Conservation Area.

Reason for Refusal 2:

- 2.23 The Council allege that the proposed roof terrace would "be likely" to give rise to direct overlooking of No.15 Langstone High Street. This is disputed as a matter of fact.
- 2.24 Paragraph 7.8 of the Planning Officers Committee Report (attached at Appendix 5), confirms that "other than a rear conservatory which lies beyond the rear of the proposed extension there are no windows in the side of this property."
- 2.25 The neighbouring conservatory lies circa 5m beyond the proposed extension, and whilst views of its roof structure would be visible, the relationship would not give rise to overlooking. This will become evident from the Inspectors site visit.
- 2.26 In addition, the Appellant was asked to respond to concerns of overlooking by amending the scheme to include fixed planters on the rear of the roof terrace.
- 2.27 Having regards to the above, Reason for Refusal 2 is unfounded.

3.0 Summary and Conclusion

- 3.1 The evidence contained within this Statement and its appendices demonstrates that the Appeal proposal is acceptable in all respects and complies with the relevant policies and proposals in the Development Plan and National policy in the form of the Framework and NPPG, and Sections 66 and 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990.
- 3.2 The Appellant concurs with the professional opinion of Officers of the Council, as reported to Members at Committee on 9th November 2017, and that planning permission should have been granted.
- 3.3 The Appellant has demonstrated that no harm will arise from its proposals and that there is no conflict with planning policy, and in this respect the Appellant therefore respectfully requests that this Appeal is allowed and planning permission is granted subject to the imposition of any appropriately worded Planning Conditions.