



Appeal Statement

New Dwelling
AT
32 Fishery Lane,
Hayling Island PO11 9NR

Reference:
32FL-180058

Date:
7 June 2018

1. Introduction

- a. This Appeal Statement has been prepared by Just Planning on behalf of Mr & Mrs M Macey to support an appeal against the decision of Havant Borough Council to refuse planning permission for the erection of a new two bedroom house at 32 Fishery Lane, in Hayling Island.
- b. Following a description of the site and surrounding area, the report will set out an overview of relevant planning policy and outline the case for the appellants.
- c. It will be demonstrated that the proposal complies with relevant local and national policies and that planning permission should therefore be granted.

2. Background

- a. On 23 January 2018, the appellants submitted an application to Havant Borough Council (reference: APP/18/00099) for the following development:

Erection of 1No. two bed chalet bungalow.

- b. On 27 March 2018, the Council notified the appellants that the application had been refused, for the following reasons:

1. *The proposed dwelling would by reason of its size, design and prominent siting be harmful to the existing character and appearance of the area, conflicting with the established pattern of development and spatial characteristics and setting of the street scene creating a cramped and crowded appearance. The proposal therefore conflicts with policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, the Havant Borough Design Guide Supplementary Planning Document 2011 and the National Planning Policy Framework 2012.*
2. *The proposal by reason of its height, mass, bulk, design and siting would result in an overbearing impact in relation to the neighbouring properties at 32A and No 30 Fishery Lane and loss of sunlight/daylight. The proposal therefore conflicts with policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, Havant Borough Council Borough Design Guide SPD 2011 and the National Planning Policy Framework.*

3. Site Description & Proposed Development

- a. 32 Fishery Lane is a detached house with a large site curtilage located to the rear of a row of buildings fronting Fishery Lane. A wide access leads from Fishery Lane, running between numbers 30 and 32a. The appeal development is for the erection of a new dwelling on this piece of land, aligning with its Fishery Lane neighbours.
- b. The new dwelling has a kitchen/reception room, bathroom and bedroom at ground floor level, and a second bedroom with en-suite shower room at first floor level. The building is just over 14m deep at ground floor level, but a shallower 7.3m deep at first floor level. The first floor element is set back from the street. The new house is 7.4m tall. The first floor is set in the roofspace, with front and rear dormers. The proposed new dwelling has a gross internal area (GIA) of approximately 87sqm. A new crossover provides access to the existing house at number 32 from Marshall Road.
- c. To the east of the proposed new dwelling is a row of 3 terraced houses, with the first floor contained within the roofspace. The building to the west is a large block of flats and a retail unit with a bulky mansard roof design. The wider streetscene is diverse in character, with buildings in a variety of different sizes and styles. An image of the appeal site and its closest neighbours is provided in figure 1, below.



Figure 1: Image of the appeal site and close neighbours

- d. The site is sustainably located within the built-up confines of the town of Hayling Island, with access to local shops, facilities and transport links. The site is not located in a designated conservation area.

4. Planning Policy

- a. The development plan for the area comprises the Havant Borough Local Plan (Core Strategy) March 2011 and the Havant Borough Local Plan (Allocations) July 2014. According to the Decision Notice, the appeal proposal fails to comply with policy CS16 of the Core Strategy. The reasons for refusal also make reference to the provisions of the Havant Borough Design Guide Supplementary Planning Document (SPD) 2011 and National Planning Policy Framework (NPPF) 2012.

- b. Policy CS9 (Housing) sets the borough a target of achieving *"a net total of 6,300 new dwellings between 2006 and 2026"*.

- c. Policy CS16 (High Quality Design) requires that new development exhibits a high quality of design. According to the policy, development should respect and reflect its local context, especially in terms of its:

"heights, massing, existing buildings lines, plot widths and depths, materials and proportions of windows and doors."

- d. The policy also requires that developments do not:

"cause unacceptable harm to the amenity of neighbours through smell, the loss of privacy, outlook, noise and overlooking."

- e. Policy CS17 (Concentration and Distribution of Development within the Urban Areas) requires developers to make *"the most effective use of land in the borough"* and encourages development that:

1. *"Concentrates new housing, employment, retail, leisure and other development within the five urban areas of Havant, Leigh Park, Waterlooville, Emsworth and Hayling Island, as shown on the Proposals Map."*
2. *Prioritises development on previously developed land, including redundant, derelict or underused land and buildings within the urban area."*

- f. The National Planning Policy Framework (NPPF, 2012) sets out the government's national planning policies and how these policies should be applied. It identifies a presumption in favour of sustainable development. Development is sustainable when it meets the economic, social and environmental needs of a community.

- g. Part 1 of the NPPF states the Government's commitment to securing economic growth and places significant weight on the need to create jobs and prosperity

through the planning system.

h. Paragraph 19 states that:

"The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system."

i. The adopted Local Plan predates the NPPF and is out of date. Paragraph 14 of the NPPF states that where relevant policies are found to be out of date, permission should be granted unless:

- a. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
- b. specific policies in this Framework indicate development should be restricted.*

j. Core Principle 6 (Paragraph 47) of the NPPF sets out how Local Planning Authorities should be *"delivering a wide choice of high quality homes"* to *"boost significantly the supply of housing"*.

k. Paragraph 47 requires that local planning authorities (LPAs) identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing. The NPPF also sets out where there has been a record of persistent under delivery of housing, LPAs should add a buffer of 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply.

l. The Havant Annual Monitoring Report (AMR) 2017 acknowledges that the Council does not have a supply of specific deliverable sites sufficient to provide five years worth of housing. According to paragraph 5.15 of the AMR:

"Based on the figures above (Table 5.4), once the flexibility of a buffer is added as required by the NPPF, the council cannot demonstrate a five year supply of housing when judged against the housing requirement. Delivery during the five year supply period of 2018/19 to 2022/23 is expected to be 2,362 dwellings which falls slightly short of the five year supply requirements identified in Table 6.4. The Council has approximately a 4.9 year supply with a 5% buffer or 4.3 years with a 20% buffer."

m. According to paragraph 49:

"Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."

n. Paragraph 186 of the NPPF states that Local Planning Authorities (LPAs) should approach decision-making in a positive way in order to promote sustainable development. LPAs should look for solutions rather than problems and should seek to approve applications for sustainable development where possible (paragraph 187) and work proactively with applicants to achieve the best outcomes.

o. The NPPF notes that *"good design is a key aspect of sustainable development"*, but that (paragraph 60):

"Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles."

p. According to the National Planning Policy Framework,

"Planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole."

q. The appellants contend that this proposal represents sustainable development, providing high-quality new dwelling in an existing built up area, without generating adverse impacts.

5. Case for the Appellants

Principle of Development

- a. National and local policies encourage the more efficient use of existing sites in sustainable, urban areas. Policy CS9 of the Havant Local Plan Core Strategy places a significant emphasis on the delivery of new housing on brownfield sites. The latest AMR reveals that the Council cannot show a 5 year supply of new housing, as required by the NPPF. The site is located within settlement limits, making use of existing infrastructure. The proposal is therefore acceptable in principle.
- b. According to the reasons for refusal as set out on the Decision Notice, the Council is concerned that the development will harm the character and appearance of the surrounding area and that it will unacceptable harm the living conditions of the neighbouring properties at numbers 30 and 32a Fishery Lane. The Council is otherwise satisfied that the new dwelling will provide a high quality of living accommodation and makes appropriate provision for parking.

Design & Appearance

- c. The NPPF emphasises the importance of good design but cautions local planning authorities against taking an overly prescriptive approach. Policy CS16 of the Local Plan Core Strategy emphasises the importance of high quality design. According to the first reason for refusal, the Council is concerned that the dwelling will be prominently sited, will appear cramped on the plot and will fail to integrate with the surrounding pattern of development, thereby causing unacceptable harm to the streetscene.
- d. The streetscene in this location is very varied, with a broad range of property sizes and styles. As the satellite image in figure 2, below, shows, Hayling Island has a scattered development pattern with houses on uneven building lines, with irregular sizes and plots widths. Most of the properties are individually designed and differ considerably from their neighbours, creating greater tolerance for new infill developments.



Figure 2: Satellite image of the appeal site (indicated by a red dot) and the surrounding pattern of development

- e. The appeal site is not prominently located, as the Council suggests, but forms a break in the existing streetscene. The new house is designed to respect the established building line and broadly mimic the detailed design of the neighbouring properties to the east, with a matching ridge and eaves line, choice of materials and similar detailing (including the incorporation of rooms within the roof served by dormer windows). At the front of the dwelling, close to the boundary with Fishery Lane, the house will be single-storey only, minimising its visual impact when viewed from the street. The Council has no objection to the detailed design of the dwelling in itself.
- f. The Council is correct to point out that the plot is narrower than most of the surrounding sites. However, plot widths vary considerably along Fishery Lane. The terraced houses to the east appear as a single larger building, but actually comprise three separate, relatively narrow, units. The building to the west, in contrast, is unusually wide and of a strikingly different design. Given the variety in plot widths, it is not possible, in this case, for the width of a development plot to match that of its neighbours.
- g. In the wider streetscene, plot widths also differ considerably. There are large detached houses on the other side of Fishery Lane, but narrower, terraced and semi-detached houses on Ilex Walk and Blackthorn Road, as shown in figure 3

below.



Figure 3: Narrow terraced house on the southern end of Ilex Walk, close to the appeal site

- h. Further along Fishery Road to the east, narrower detached houses, similar to the appeal proposal, are common, as shown in figure 4, below.



Figure 4: Narrow detached houses on Fishery Lane, with a similar design to the appeal proposal

- i. The new dwelling will not, as the officer's report suggests, appear cramped on the site. The proposed site plan shows it set away approximately 1m from each of the side boundaries, and 2m from the closest part of number 32a. Most of the other buildings in the immediate area, in contrast, project fully to their side

boundaries. Fishery Lane has a tight urban grain, with little spacing between neighbouring properties.

Impact on Neighbouring Residential Amenities

- j. Policy CS16 requires that new development does not harm the residential amenity of close neighbours. According to the officer's report, the Council is concerned that the development may have an overbearing impact on the neighbours at numbers 30 and 32a and may also lead to a loss of light affecting those neighbours.
- k. The new dwelling has been designed to mitigate any impact on the side-facing windows in both neighbouring dwellings. The front of the proposed new dwelling is single-storey only, so that there is no obstruction of the west-facing habitable windows in the first floor at number 32a, shown in figure 5 below, or the east-facing windows in the first floor at number 30, shown in figure 6.



Figure 5: Image of the side windows in the neighbouring property at number 32a



Figure 6: Image of the side windows in number 30

- l. There is a 2m separation distance between the dwelling and the nearest part of number 32a. Its side windows are either non-habitable and obscure-glazed or are secondary windows to other openings in the front and rear elevations. The ground floor side-facing windows at number 32A already face onto the boundary fencing between the two sites and beyond that the much taller two-storey structure at number 30. In addition, as the satellite image in figure 1, on page of this report, shows, there is currently a large tree located on the site, close to the windows at numbers 32a. The ground floor windows in number 30 face onto a car port at that property.
- m. The appellants further note that the plot for the proposed dwelling currently serves as the only vehicular access serving the main house at number 32, to the rear. That this piece land will no longer be used by vehicular traffic represents a material improvement in living conditions for numbers 30 and 32a in terms of reduced noise and disturbance.
- n. The new dwelling will project a short distance beyond the rear of number 32a. The rear windows at number 32a face south and benefit from direct sunlight throughout most of the day. The rear facing windows also enjoy an unrestricted outlook down over the property's own rear garden. The development at the appeal site will be more than 2m away and, with a modest height of less than 7.5m, will not have a materially overbearing impact.

6. Conclusions

- a. The NPPF 2012 places significant emphasis on the delivery of new homes and the borough is facing a housing shortage. The proposal seeks to make the most of this previously developed land, providing a well-designed new home in an existing built up area.
- b. The site is large enough to accommodate a new dwelling, with spacing to the front, rear and sides. The site will not appear cramped and there is no harmful reduction in openness. The house has been carefully designed to reflect the design of neighbours and other properties in the area and the Council has no objection to its detailed design.
- c. The established character of this area is mixed. There are starkly differing building types, sizes and choices of materials. The new development will integrate comfortably with the diverse character of its surroundings.
- d. The first floor of the new dwelling has been set back behind the side-facing windows in neighbouring houses. In the case of 32a, the windows facing the site are non-habitable or secondary. The first floor element of the new dwelling is only 3.5m tall and the two-storey element only 7.5m tall. The development replaces a large tree in the same location. Both neighbours will retain very high levels of light and outlook and will enjoy a reduction in noise and disturbance brought about by the closing of the existing vehicular access to the house at the rear.
- e. For these reasons, the appellants contend that the proposal represents sustainable development of the kind encouraged by the NPPF and the inspector is respectfully requested to allow the appeal.



Just Planning Limited
Tel: 020 3488 1525
Mob: 07711 247 100
Email: info@just-planning.co.uk

Just Planning HQ
Unit 822
19-21 Crawford Street
London W1H 1PJ

www.just-planning.co.uk

[!\[\]\(2020723f97c3fe13d8ecf52b30807736_img.jpg\) justplanning](#)
[!\[\]\(9a38ae13328715dc384f8945d159df2b_img.jpg\) @JustPlanning](#)

© Just Planning 2018