

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

**STATEMENT OF
HAVANT BOROUGH COUNCIL**

(ADDRESS DETAILS)

**Local Planning Authority Reference:
APP/17/00753**

**Planning Inspectorate Reference:
APP/X1735/W/17/31885189**

HAVANT BOROUGH COUNCIL



TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)

APPEAL BY Mr Preston Carvalho AGAINST THE DECISION OF HAVANT BOROUGH COUNCIL TO REFUSE TO GRANT PLANNING PERMISSION FOR Outline application for construction of 5No. detached dwellings following demolition of existing dwelling

AT 1 Maylands Road, Havant, PO9 3NP - LPA Reference: APP/17/00753

APPEAL REF: APP/X1735/W/17/31885189

1.0 THE APPEAL SITE AND ITS SURROUNDINGS

- 1.1 1 Maylands Road is a large detached dwelling in a 0.2ha plot, located within the urban area of Bedhampton. The site is situated in a highly prominent location on the corner of Maylands Road and Portsdown Hill Road; immediately to the east of the site is a roundabout with Bedhampton Road and Bedhampton Hill. The site rises from the east going up Portsdown Hill Road, this is defined by the western part of the site being approximately 4 metres higher than the land level at the eastern part of the site. This results in the southern boundary being defined by a high level bank, with the adjoining Portsdown Hill Road being at a much lower level. Located on the opposite side of Portsdown Hill Road are dwellings located on higher ground which principally front Bedhampton Hill - in a number of cases these feature significant retaining walls, with a number of ancillary garages fronting the Portsdown Hill Road which vary in design and scale.
- 1.2 In terms of the character of the built form in the area, the site sits on a slope rising from the land to the east of the roundabout, towards the roads to the north and west. The types of dwellings are largely two storeys which gradually follow and respect the topography of the area, this results in the character and street views in the vicinity of the roundabout being that of seeing a gradual rise in the buildings epitomised by the gradual rising of the roof forms resulting in a stepped progression of development.
- 1.3 The current dwelling is accessed from Maylands Road, which is defined by an area of hardstanding, along with a former detached garage which has largely been demolished, except for the western wall, which is on the boundary with 1A Maylands Road

2.0 PLANNING HISTORY

None relevant

3.0 THE APPLICATION

- 3.1 The proposal is to demolish the existing property and in its place construct five detached two-storey dwellings with associated garaging and car parking facilities. The application seeks outline planning permission only, including reserved matters

covering layout, scale and means of access.

The application was refused under delegated powers on 18th September 2017 for the following reasons:

1 The proposed development would have a harmful effect on the character and appearance of the surrounding area as it would introduce an inappropriately intensive form of development into an area that is defined by its spacious character. Furthermore when viewed alongside the adjoining dwellings on all sides of the site, and the setting of the roundabout to the south east, the proposed development would not integrate with, or respond positively to the character and appearance of the surrounding area in terms of layout or scale. As such the development would have a significant adverse impact on the appearance and character of the area and is contrary to national and local planning policies for the area, in particular the National Planning Policy Framework 2012, policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the Borough Design Guide Supplementary Planning Document 2011.

2 Having regard to the significant change in levels on and around the site, it is considered that insufficient information has been submitted with this application, in the form of fully detailed sectional and levels plans, to demonstrate that the development would not have a significant adverse impact on the amenities of the neighbouring properties of 1A Maylands Road and 2 Portsdown Hill Road by reason of loss of sunlight/daylight, overlooking or overbearing impact. The proposal therefore conflicts with policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, Borough Design Guide Supplementary Planning Document 2011 and the National Planning Policy Framework 2012.

3 The proposal, without completion of the appropriate binding arrangements to secure a contribution towards the Solent Recreation Mitigation Project, is contrary to the Council's Policy on contributions towards measures of mitigation adopted by the Local Planning Authority which seeks to ensure that the provision is made from new development towards mitigating against increasing recreational pressure on the Solent SPA. It is therefore contrary to Policies CS11 and CS21 of the Havant Borough Local Plan (Core Strategy) 2011 and Policy DM24 of the Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework 2012.

4.0 PLANNING POLICY

- 4.1 National Planning Policy Framework
Havant Borough Local Plan (Core Strategy) March 2011
CS11 (Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS16 (High Quality Design)
CS17 (Concentration and Distribution of Development within the Urban Areas)
CS4 (Town, District and Local Centres)
CS6 (Regeneration of the Borough)
CS9 (Housing)
DM10 (Pollution)
DM2 (Protection of Existing Community Facilities and Shops)

Havant Borough Local Plan (Allocations) July 2014

AL1 (Presumption in Favour of Sustainable Development)

AL2 (Urban Area Boundaries and Undeveloped Gaps between Settlements)

DM24 (Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)

5.0 PLANNING CONSIDERATIONS

Reason for refusal 1 – Impact on the character and appearance of the area

- 5.1 The proposal is for the demolition of the existing dwelling, which is accepted to be of limited architectural quality, and construct 5 new two storey properties. The two storey dwellings would be spread across the site, including one in the south eastern corner of the site, adjacent to the roundabout, with a further dwelling fronting Maylands Road. Three further dwellings would be located within the western part of the site and would have access via a new access road off Maylands Road. The immediate character of the area is one of generally low density, low key residential development set within well vegetated, generous plots. There is a significant change in levels in the area which allows the majority of the site to be seen from the surrounding road network, which converges at the roundabout adjacent to the site. The existing dwelling is set well within the application site, some 30m from the roundabout itself. The existing character of the area sees properties gradually step up the hill on all of the surrounding roads and follows the topography of the area, which results in a natural progression of roof forms going up the hill. There have been limited examples of infill developments within the immediate area, however these have been designed to assimilate with the siting, scale and form of the older dwellings in terms of roof form so that they integrate into the area.
- 5.2 The proposed development would remove the existing dwelling and replace it with 5 new dwellings, all of two storey scale with likely retaining walls. Plot 1 would lie adjacent to 1A Maylands Road and continue the built up frontage of the street scene here; however Plot 2 would lie significantly closer to the roundabout than the existing dwellings (approximately 13m in lieu of 30m existing). Plots 3-5 would lie to the west of Plot 2, resulting in a regularly spaced line of new dwellings at high level above the bank adjacent to Portsdown Hill Road. When taking into consideration the siting of the existing dwelling on the site, coupled with the level changes in the area, it is considered that the number, siting and layout of the proposed dwellings would appear overly dominant in adjoining street scenes and would not address the level changes in the area successfully in relation to the overall resulting scale and bulk of the built forms proposed. It is noted that the application does not have any street scenes or perspective drawings showing how the buildings would appear in the context of neighbouring buildings and perspectives, meaning that there is no evidence available which would allay the concerns above, and indicates that the relationship between the buildings and their context has not been fully considered.
- 5.3 With regard to the Maylands Road frontage, the effect of the new accesses, parking areas, access road and likely retaining walls is such that this frontage would contain relatively little open space and would appear heavily engineered, particularly around

plots 1 and 2. The public realm should be designed first, however the layout proposed would result in hardsurfacing and parking dominating, from the three access points, and access road of the development, which would be highly visible and incongruous from Maylands Road.

- 5.4 Taking these factors together it is considered that the development would appear incongruous, and out of keeping with the character of the area against which it would be read. As a result, the development would fail to achieve a successful transition taking into account the existing character of the site and the topography of the area. It is considered that the proposed development would mark a significant change to the existing characteristics of this prominent site, which plays a significant role in the character of the area, introducing a much more intensely developed built form that would jar with the prevailing spacious character of the area, and would not achieve an effective transition between the respective patterns of development in the area on this highly visible and sensitive corner plot. In weighing the balance to be struck between achieving additional housing on a site within the urban area, and protecting the environmental qualities of that area, it is considered that the harm that would be caused to the character and appearance of the area would outweigh the benefits of providing 5 dwellings. In conclusion on this issue the proposal would unacceptably harm the character and appearance of the area. It would therefore conflict with policies CS16 of the Core Strategy, the Design SPD and the NPPF.

Reason for refusal 2 – Impact on the amenities of neighbouring properties

- 5.5 Concerns have been raised by a number of nearby residents in relation to the impact on their amenity from the development as set out above. As has been identified above, the site has significant level changes both within the site, and in relation to neighbouring properties. The main impacts are considered to be to 1A Maylands Road, which is to the north of the site, and 2 Portsdown Hill Road, which is located to the west of the site and is at a much lower level than the application site, with retaining walls and fencing defining the mutual boundary. These properties are two storey properties. 1A Maylands Road is set at a slight angle to the application site and would lie directly adjacent to Plot 1 to the east; to the south the dwelling proposed for Plot 4 would lie a distance of approx. 7.7m from the development to the boundary with this property, and approx 16m to the property itself. The distance between plot 5 and 1A Maylands Road is approx. 7.8m from the development to the boundary with this property, and approx 20.5m to the property itself. The relationship between plot 5 and 2 Portsdown Hill Road is such that Plot 5 is set 3.5m off from the development to the boundary with this property, and approx 5m to the side elevation of the property itself.
- 5.6 Given the increased intensity of development proposed for the site, which would introduce two-storey dwellings into areas currently undeveloped in the rear garden area of the existing dwelling, it is considered there is clear potential for the scale and density of the development to appear dominant and intrusive to the amenities currently enjoyed by the adjoining properties, affecting their outlook, light and privacy. Having regard to these concerns, on the basis of the limited information submitted with the application, and in the absence of fully detailed sectional and levels plans, given the significant change in levels on and around the site it has not been demonstrated that the development would not have a significant adverse impact on the amenities of the neighbouring properties of 1A Maylands Road or 2 Portsdown Hill Road. As such the proposal is considered to conflict 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.

5.7 **Reason for refusal 3 - Solent Recreation Mitigation Project (SRMP)**

The agent was advised early on that the application was to be refused and therefore the matter of the contribution required towards the SRMP was not completed in terms of the relevant paperwork or payment. A contribution towards the SRMP is required as outlined by Policy DM24 of the Local Plan (Allocations) and therefore a reason for refusal was included for the non payment of the contribution. The Council's case in respect to this reason for refusal is as follows:-

"The Solent coastline provides feeding grounds for internationally protected populations of overwintering waders and wildfowl. It is also extensively used for recreation. In response to concerns over the impact of recreational pressure on birds, the Solent Forum initiated the Solent Disturbance and Mitigation Project to determine visitor access patterns around the coast and how their activities may influence the birds. The research concluded that there was mortality arising from disturbance in the populations of some SPA species, which would be exacerbated through new (residential) development".

- 5.8 Natural England has advised "competent authorities" including Havant Borough Council, Portsmouth City Council and Chichester District Council that a significant effect on the Solent SPAs is likely, as a result of the extra disturbance caused by new residential development. By law authorities must ensure these impacts are mitigated when they allocate or permit developments. Natural England 'police' this responsibility under the Habitats Directive and Regulations. They have advised the coastal authorities that a process for mitigation needs to be in place by 1 May 2014, otherwise the authorities who permit residential development without mitigation will be in breach of EU law. The Council addressed this responsibility through Policy DM24 Recreational Disturbance to Special Protected Area (SPAs) from Residential Development, which is in the Council approved Local Plan (Allocations):Submission Version. This allows mitigation through a) a financial contribution. The coastal authorities have been working with Natural England since 2013 to understand how much a financial contribution may be.
- 5.9 On the 5th November 2013, the Solent SPA Interim Planning Framework was published. This was produced in response to the SDMP Phase 3 work, which advised that "quick win" measures should be introduced in order to address the requirements of the Habitat Regulations. These measures consist of the provision of dog wardens and rangers to educate visitors about the impacts of their actions on protected species.
- 5.10 The Interim Framework concludes that a contribution of £181 per dwelling was required subsequently increased on an annual basis, plus a monitoring and administration fee). In applying this contribution to all new residential development, the Council will ensure compliance under the Conservation of Habitats and Species Regulations 2010 (The Habitats Regulations).
- 5.11 It is worth noting that Policy DM24 also states that an applicant can avoid making a financial contribution where, subject to the tests of the Habitats Regulations, they can show that there would be no adverse effect on the integrity of the Special Protected Area (SPA). No evidence has been submitted in this respect and therefore the financial contribution is required to address this matter.

COMMENT ON THE GROUNDS OF THE APPEAL

- 5.12 The appellant has outlined examples of where development in the immediate vicinity is similar, however the examples that are given are completely different in there

context and are of a design, size and scale, in addition they are considered to be of 'their time', and should not always be replicated. New development should be innovative and ensure high quality design, rather than simply using individual examples to justify a design approach that lacks symmetry and a sense of proportion for this unique plot.

- 5.13 Policy CS16 of the Local Plan advises that all development should demonstrate in its design that it responds to, draws inspiration from and respects local context and in section 1.c. advises that it uses the characteristics of the locality to help inform the design of the new development including heights, massing, existing building lines, plot widths and depths, materials and proportions of windows and doors.
- 5.14 The importance of high quality design is also set out in the National Planning Policy Framework (NPPF) in paragraph 56 which states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 5.15 The appellant noted in paragraph 5.8 of the appeal statement that they are willing to pay the SRMP payment, however no binding arrangements are in place to secure this payment, and as such this issue had not been dealt with.

6.0 CONCLUSION

- 6.1 It is considered that the proposed development would have a harmful effect on the character and appearance of the surrounding area, as it would seriously and unacceptably undermine the prevailing character and appearance of the wider surrounding area. Furthermore, when viewed alongside the adjoining properties on all sides of the site, the proposed development would not integrate with or respond positively to the character and appearance of the surrounding area in terms of layout and scale. For these reasons the proposed development would appear unduly cramped, prominent and stark within the street scene. The harm that would be caused to the character and appearance of the area would outweigh the benefits of providing 5 new dwellings in the urban area.

Furthermore on the basis of the limited information submitted with the application and in the absence of detailed proposed site levels and sections, given the sloping nature of the site, the impact of the relationship with neighbouring properties cannot be fully assessed and is considered likely to be harmful.

In addition no binding arrangement to pay the required financial contributions have been made

Given the above the Inspector is respectfully requested to dismiss the appeal.

APPENDICES

- (A) Borough Plan

(B) Location Plan
(C)