

**APPEAL UNDER THE TOWN AND COUNTRY
PLANNING ACT 1990 AGAINST THE REFUSAL OF
PLANNING PERMISSION ISSUED BY HAVANT BOROUGH
COUNCIL FOR THE ERECTION OF FOUR No 2 BED
FLATS AND ONE No. 1 BED FLAT WITH ASSOCIATED
PAVILLION BUILDING HOUSING BINS AND CYCLE
STORAGE TOGETHER WITH PARKING AND
AMENITY SPACE AT LAND TO THE REAR OF
15 LANGSTONE ROAD HAVANT PO9 1RA.**

15th July 2017

**APPEAL UNDER THE TOWN AND COUNTRY
PLANNING ACT 1990**

Appeal by:	Phillips Build Ltd.
Appeal Site:	Land to rear of 15 Langstone Road Havant PO9 1RA.
Proposal:	Erection of four No 2 bed flats and one No 1 bed flat with associated pavilion building housing bins and cycle storage together with parking and amenity space.
Havant Council ref:	APP/16/00668
Our Ref:	9909

APPELLANT'S STATEMENT OF CASE

1.0 INTRODUCTION

This application is the subject of an appeal against the refusal of an application by Havant Borough Council. The application was for the erection of four No 2 bed flats and one No 1 bed flat with associated pavilion building housing, bins and cycle storage together with parking and amenity space.

1.1 The application was refused on 4th May 2017 for the following reasons:

1. The proposed development would by reason of its scale, backland siting, height, mass, bulk and associated access drive, turning and parking areas result in an alien and unexpected form of development in this location. As a consequence the proposal would represent an over intensive and inappropriate development contrary to the established pattern and character of residential development in this part of Langstone. The proposal therefore fails to comply with the policies CS9 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011, the National Planning Policy Framework and Havant Borough Council Borough Design Guide SPD 2011.
2. 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. These seek to ensure that the provision is made from new development towards mitigating against increasing recreational pressure on the Solent SPA. The development 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.

2.0 THE APPEAL SITE AND ITS SURROUNDINGS

2.1 The properties in this area comprise spacious semi-detached dwellings (some of which have been altered to provide flats) sited on generous plots, similar in style to the subject of the appeal. The proposed development comprises a two storey detached property with a pitched roof, with an access onto Langstone Road. It is located to the east of Langstone Road, within the urban area of Havant. To the north of the site is the amenity area of the neighbouring property at No 13, and 17a Langstone Avenue lies to the south. To the east a row of modest two storey properties are located and the main road (A3023) is situated to the west of the site. The site levels are relatively even.

3.0 PLANNING HISTORY

APP/14/00673 Two storey detached dwelling to south of existing property, with detached double carport to front and new access off Langstone Road. Grant

3.1 On the 4th May 2017 the application referenced APP/16/00668 was refused and is now the subject of this appeal.

4.0 THE APPEAL PROPOSAL

- 4.1 The proposed development comprises the proposed erection of four No 2 bed flats and one No 1 bed flat with associated pavilion building housing, bins and cycle storage together with parking and amenity space.

5.0 POLICIES

5.1 Havant Borough Local Plan (Core Strategy) 2011

CS9	Housing
CS11	Protecting and enhancing the special environment and heritage of Havant Borough
CS16	High quality design
CS21	Developer requirements

5.2 Havant Borough Local Plan (Allocations) 2014

DM24	Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development
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5.3 Havant Borough Council Borough Design Guide SPD 2011.

5.4 National Planning Policy Framework 2012

6.0 CONSULTATIONS AND REPRESENTATIONS

- 6.1 Nearby owners/occupiers were notified of the application. 24 neighbours objected (including Langstone Residents Association and Langstone Village Association)

6.2 Consultations within the Local Authority

Arboriculturalist	No objections to this scheme.
Building Control	No comments received
Crime Prevention	No comments received
HCC Highways	Confirmation that the Highway Authority's comments on this application should be made by the District Council's own engineers, due to the size of the application being below that of the Agency threshold and agreement.

Development Engineer – Highways

No objection subject to conditions

Public Spaces No comments received.

Traffic Management, HBC

No traffic management issues.

Waste Services Manager

No objections.

Highway Matters Highway Safety Concerns

Ecology Scale of development may be undesirable in terms of ecology and biodiversity. Has site been surveyed as wildlife use the site and this may upset biodiversity and habitats of wildlife.

Application will heavily impact the current roosting, foraging and commuting habitat of the local bats and other wildlife - European Protection Species Act and legal

obligation. Fails to meet strategy for England's wildlife and ecosystem detailed in Defra's "Biodiversity 2020"

7.0 PLANNING CONSIDERATIONS

7.1 The Council's policies accept development providing it does not detract from the character of the area, or result in a detrimental impact on the neighbouring properties.

7.2 The main issues surrounding the refusal were as follows:

1. The proposed development would result in backland development.
2. Its scale, height, mass, bulk are considered inappropriate
3. The access drive, turning and parking areas result in an alien development in this location.
4. The proposal would represent over-development contrary to the established pattern and character of residential development in this locality.
5. The proposal did not include arrangements to provide a contribution towards the Solent Recreation Mitigation Project.

8.0 GENERAL FORM AND PATTERN OF DEVELOPMENT

8.1 To make an assessment of the application in the context of the character of the area it is important to assess and identify the features and type of development that contribute to, and make up that character.

9.0 The Existing Character of the Site and Area

9.1 The properties in the immediate locality comprise spacious detached dwellings (some of which have been altered to provide flats) sited on generous plots. However, on the eastern side of Langstone Road are a mixture of smaller semi-detached bungalows, houses and some new purpose-built flats. The building line along both sides of this road is not even, and some properties are set further back in their sites than others. The neighbour immediately to the south of the proposed development plot is a large, modern dwelling set to the back of the site with a long asphalt access drive and turning head. The building materials largely comprise brick and tile. The site levels are relatively even.

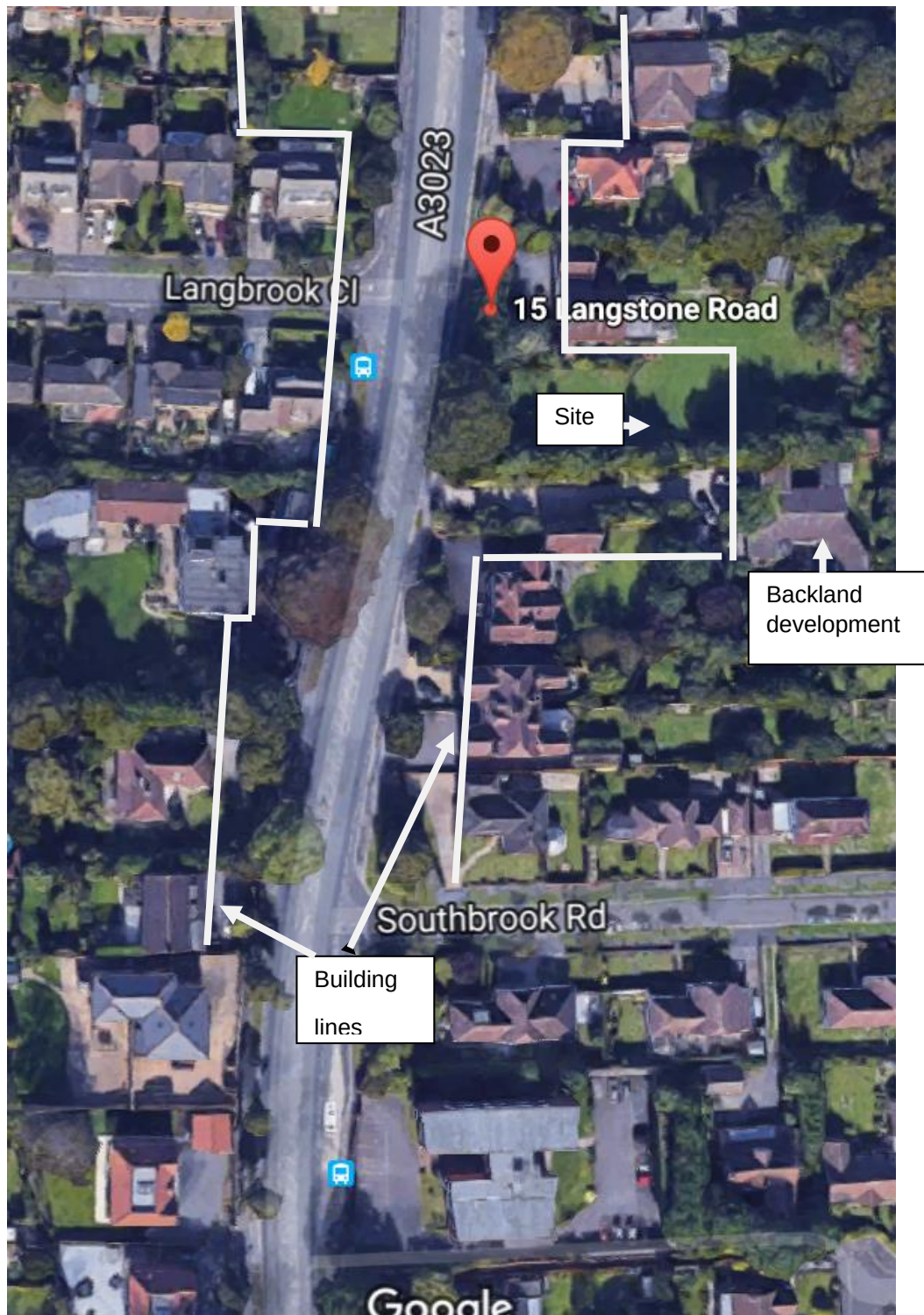


Fig 1. Image of locality denoting building lines and existing backland development

10.0 **Statement of case**

10.1 We checked the relevant policies for the locality including SPGs and took them into consideration during the design process of the subject of this appeal. We also considered the existing properties in the locality including their size, siting, scale, massing and design. The Council took the view that the development proposal was excessive, and issued a decision notice containing two reasons for refusal based on the size and scale of the proposal, the use of backland development and its potential impact on the character of the area. They also

referred to the fact that the proposal did not include arrangements to provide a contribution towards the Solent Recreation Mitigation Project.

10.2 The Council's concerns relating to the proposed development and our response.

10.3 Unexpected backland development and poor road frontage.

The Council states that *'the development is being introduced into the back garden of the existing property and represents an entirely unexpected contrast to the character and density of the existing built form and road frontage'*. In response, it is argued that the immediate vicinity comprises large detached properties in spacious settings. For this reason, the flats have been designed to resemble a generously proportioned, two storey detached dwelling which would be entirely in keeping with the locality. It was noted that the adjacent property, No 17a, was located to the rear of the plot and, as such, it is argued that there is a precedent for constructing properties in this location. The proposed development was sited in this location in order to retain the space to the south of the host property, along with the existing landscaping on the site, and some additional foliage. For these reasons, not only are we retaining the existing character of the area, we are also seeking to enhance the sylvan settings within which it is located.



Fig 2. The footprint of the proposed development is similar to the footprints of existing properties in the surrounding area

10.4 The Council believe that, *'the creation of the significant access into the site would itself open up an established mature residential frontage leaving a driveway gap further detracting from the established pattern of development'*. This must be vehemently refuted. Planning permission was granted in 2014

(referenced APP/14/00673) for a two storey property adjacent to No 15 Langstone Road. The driveway and subsequent removal of trees along the road frontage would have had a similar impact on the locality and, in addition to this, the location of the new two storey detached property would have reduced the spacious setting of No 15. The proposed development would be sited to the rear of the site with a meandering driveway. This would lessen the impact on the west of the site as both the building and the driveway would be partially obscured by existing and proposed landscaping. In addition, the increase in distance from the road frontage would naturally reduce the prominence of a two storey building in terms of perspective.

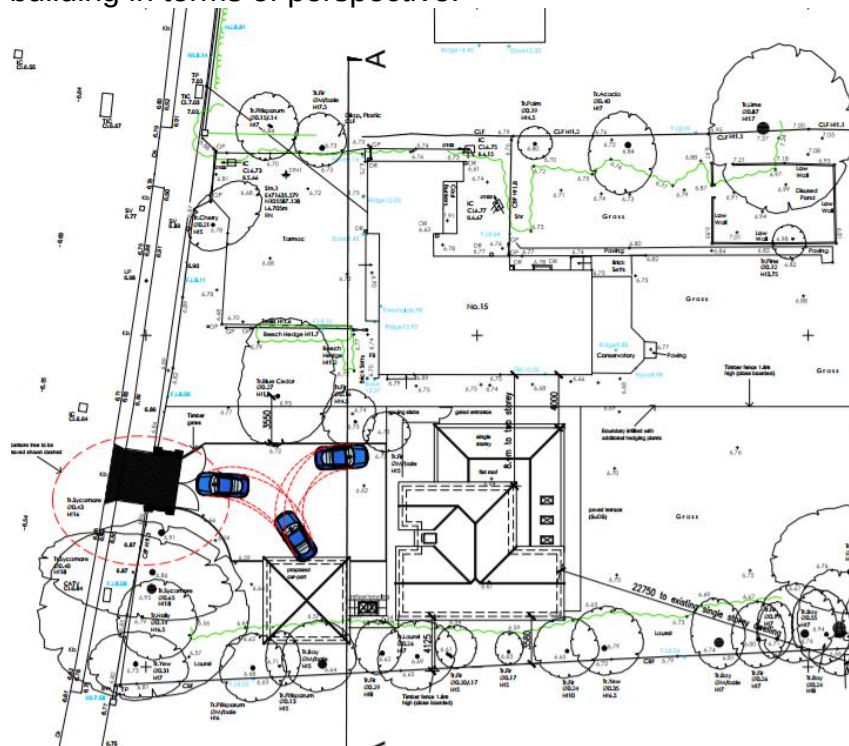


Fig 2. Site plan previously approved on the same site referenced 14/00673 with new access in the same position as this application.

- 10.5 Fig 2. shows the previously approved site entrance and surrounding landscaping, along with the siting of the proposed single dwelling. Fig 3 shows a meandering, gravelled entrance against a mature landscape, resulting in an appropriate suburban development. In fact, we have gone to great lengths to enhance the surrounding locality. Many of the properties along Langstone Road in the immediate locality comprise high brick walls and large, tarmaced driveways, resulting in a much more urban setting than that described in the officer's report. In contrast, our proposal was positioned to the rear of the site to eminate the location of the neighbouring property. This would not only reduce the impact on the road frontage but would also reduce the impact on the southfacing elevation of the host property, where the principle rooms are sited, facing onto the garden.
- 10.6 The approved access was retained for the appeal site, but swung to the south to provide a meaningful garden for the host property (No 15). The incorporation of compacted brown gravel onto the driveway, in conjunction with the retention of most of the mature landscaping and the reinforcement of heavier screening as necessary, would negate any issues with regard to this aspect of the

application, especially since the landscaping was considered acceptable by the Landscape Section when this scheme was submitted by the case officer for their comments.



Fig 3 Partial site plan of current proposal showing a meandering driveway (heavily landscaped) to lessen any undue impact on the street scene

- 10.6 The photos below (right) denote the harder, more urban setting provided by the brick walls, tarmac and hard landscaping on the frontages of the neighbouring properties in this locality.

10.7 **Excessive hard landscaping**

The Council expressed concerns that, 'This scale of development is considered to result in an over development of the site contrasting with the character and appearance of the existing residential area'. I would reiterate that the setting back of the building within the site allows for additional landscaping to the west (front) of the site, in addition to the existing mature vegetation on the site which would be largely retained. This would provide an appropriate setting for the development proposal within this locality. The 10 car parking spaces were provided partially to



appease the neighbouring residents who felt that the proposed new units would result in a further strain on parking in the surrounding roads. However, should the Inspector feel that it is excessive in such a sustainable location, I would be delighted to provide further landscaping in place of some parking spaces.

10.8 Furthermore, as stated earlier, the driveway and car parking spaces are not intended to be tarmacked. The importance of landscaping and its effect on the overall scheme is fully appreciated, along with land drainage issues that are an increasing cause for concern. As part of this proposal, the driveway would have a gravel finish, and the parking spaces would be set out by inset brick spaces and constructed with brown gravel to match the driveway. These areas would then be screened by the provision of evergreen hedges, which would also absorb much of the noise. Should the Inspector feel that further detailed landscaping is required, I would welcome the incorporation of hard and soft landscaping conditions as part of this appeal decision.

10.9 Finally, I would like to raise the issue that the neighbouring backland development, 17A, has an excessive tarmac driveway, stretching the length of the site. It is, like many other large segments of tarmac frontage in this area, an obvious eyesore. However, the previous paragraphs have set out the landscaping and parking approaches to the appeal site, and the design does not fall short in terms of methodology to assist in the enhancement of the locality.



Fig 4 Surrounding frontages



Fig 5. Photo of the entrance and driveway of No 17a, a long, unrelieved view of extensive tarmac...

10.10 **Housing Need**

Both national and local policies recognise the need for mixed housing development. Many large houses fall into disrepair as the majority of families struggle to afford to maintain them. There is a presumption to encourage development on brownfield sites in an effort to lessen the pressure to build on existing green spaces. Common sense would also dictate that a brownfield site within close proximity to a town centre and good transport links would be an ideal location on which to construct much needed homes. To ignore policy guidance in favour of large properties for the elite is both unreasonable and senseless. Policy CS9 (below) says that, 'Planning permission will be granted for housing proposals that will,

1. Contribute to achieving new dwellings
3. Ensure mixed communities are created
4. Achieve a suitable density of development taking into account sustainability issues
5. Contribute to the development of mixed and sustainable communities
8. Ensure development is on previously developed land so as to avoid using greenfield urban extension sites.

Policy CS9 Housing

Planning permission will be granted for housing proposals that will: -

- 1. Contribute to achieving a net total of 6,300 new dwellings between 2006 and 2026.**
- 2. Deliver on average 30-40% affordable housing on sites of 15 dwellings (gross) or more and secure a suitable contribution, or on-site provision, equivalent to on average 30-40% on smaller housing developments between 5 and 14 dwellings (gross), unless a lesser requirement has been transparently justified on viability grounds.**
- 3. Ensure mixed communities are created through the planned distribution and avoidance of a concentration of affordable housing.**
- 4. Achieve a suitable density of development for the location, taking into account accessibility to public transport and proximity to employment, shops and services in addition to respecting the surrounding landscape, character and built form.**
- 5. Provide a mix of dwelling types, sizes and tenures which help meet identified local housing need and contribute to the development of mixed and sustainable communities.**
- 6. Provide accommodation for the ageing population in sustainable locations, taking account of the need to provide for a variety of care needs and flexibility to accommodate differing requirements of ageing care.**
- 7. Contribute to achieving 450 extra-care dwellings between 2006 and 2026.**
- 8. Ensure housing development is delivered in a phased manner with an appropriate proportion of previously developed land so as to avoid unnecessary development on greenfield urban extension sites.**

Fig. 6 Policy CS9 of the Havant Borough Local Plan (Core Strategy) 2011

10.11 In addition, policy CS16 (below) says that, 'Planning permission will be granted for development which is designed to a high standard,

1. If it responds positively to the locality in terms of heights, massing materials landscaping, wildlife etc.
2. It produces a positive relationship between buildings
3. Contributes to the improvement of the public realm, particularly near town centres
4. Varying housing types integrates social inclusion
5. Encourages higher densities where appropriate
6. Incorporates sustainable design

10.12 The proposed development adheres to the requirements of the context of the locality as well as the national and local planning policies and, for these reasons, it fulfils planning requirements.

10.13 For these reasons, the size and siting of such an addition into this road is acceptable in terms of local and national planning policies, and consideration has been given to ensure the size and scale of the development is in proportion with the surrounding properties in the area.

Policy CS16 High Quality Design

Planning permission will be granted for development that is designed to a high standard, which helps to create places where people want to live, work and relax. All development should demonstrate that its design:

1. Responds to, draws inspiration from and respects local context and:
 - a) Identifies and responds positively to existing features of natural, historic or local character within or close to the proposed development site;
 - b) Integrates with existing local landscape features, promotes wildlife and biodiversity and/or applies characteristics of the local area into the design of a scheme wherever possible to create variety and interest;
 - c) Uses the characteristics of the locality to help inform the design of the new development including heights, massing, existing buildings lines, plot widths and depths, materials and proportions of windows and doors;
 - d) Is well connected to and integrates with the immediate local area and the wider area by linking to existing pedestrian and cycle routes and encouraging people to use public transport where possible; and
 - e) The development does not cause unacceptable harm to the amenity of neighbours through smell, the loss of privacy, outlook, noise and overlooking.
2. Produces a positive relationship between buildings, street and spaces both existing and proposed, where:
 - a) The layout of the development reduces opportunities for crime and antisocial behaviour; contributes to improving community safety; and makes provision for the management and maintenance of the development;
 - b) New streets are not dominated by vehicular traffic;
 - c) The layout of the development is legible, meaning it is easy to orientate oneself and move through.
3. Contributes to the improvement of the public realm close to the development, particularly sites close to town, district and local centres and other priority regeneration areas by using high quality hard and soft landscape material and street furniture; and where development is of a significant scale or prominence makes provision for public art.
4. Is inclusive by considering the needs of those with disabilities, ensuring safe and convenient access for all; and integrating affordable and supported housing with market housing through tenure blind design to minimise social exclusion and promote social integration.
5. Maximises opportunities for mixed use developments, particularly in town and district centres; and encourage higher densities (50+ dwellings per hectare) where appropriate.
6. Mitigates negative environmental impacts through sustainable design and construction methods, resource efficiencies, particularly water and the provision of facilities for waste recycling.
7. Adapts to the changing needs of the users and the changing climate over the lifespan of the building.

Fig 7. Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011

10.14 Neighbour amenity

The decision notice does not give neighbour amenity as a reason for refusal. During the course of this application, discussions took place between the Case Officer and ourselves to ensure that any potential impact on neighbours with regard to amenity was reduced. This resulted in the submission of amended plans which reduced the height, scale and massing of the original scheme. The reduction of this scheme has resulted, not only in ensuring that the neighbouring properties are not adversely affected, but it has also reduced any potential impact on the street scene. As stated previously, the footprint is similar to neighbouring properties, and also the previously approved scheme for a single dwelling on this site. The height of the building has also been reduced along with the bulk and massing. The amended drawing of the proposed

development adjacent to part of No 17A (shown below) highlights these points. It also demonstrates that the previous scheme could be considered more harmful to the neighbouring (host) property, yet it was granted under these policies in 2014.

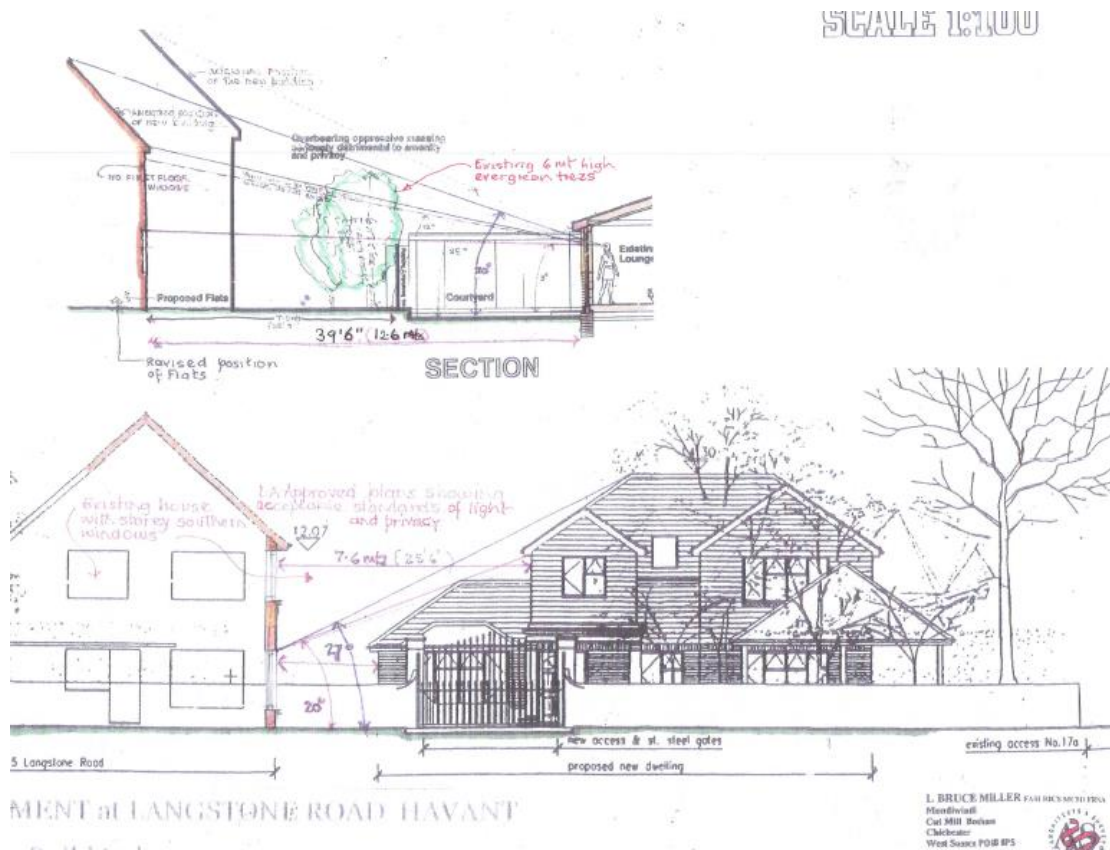


Fig 8. Proposed development granted in 2014 adjacent to host property and appeal scheme adjacent to the flank of No 17A

10.15 Highways issues

These have been assessed with the agent, their highway engineer and the Councils Highways Engineer. This has resulted in additional meetings and further detailed assessment and the provision of both a Transport Assessment and Highway Safety Audit. Following the submission of the additional information, Highways now has no objection subject to conditions.

10.16 Ecological impacts

Following the submission of an ecological report, the proposed development is now deemed to be acceptable. However, an outstanding payment is required and, should this appeal be allowed, the Client would be happy to settle this.

10.17 CIL Levy

The developer would be happy to settle the outstanding amount relating to this levy.

10.18 All reasonable concerns raised by officers and consultees with regard to this application have been addressed however, since we cannot bring our planning application to a favourable conclusion, we have no alternative but to submit it for

the attention of the Planning Inspectorate, and request that they assess our proposals independently.

11.0 CONCLUSION

- 11.1 This statement has demonstrated that we have taken into account the Council's views as far as can be considered reasonable. We have substantially altered the design of the proposed scheme to affiliate it more with the character of the surrounding area and reduce any potential impact on the neighbouring amenities. For this reason, we conclude that the development is of an appropriate design is proportionate in relation to the site restraints and the neighbouring properties as well as the context of the surrounding area. In addition to this, the extensive screening by the mature vegetation around the perimeter of the site, the bulk and massing of the development and the style and materials of this scheme are wholly suitable to this locality. In our opinion, this proposal would provide a good quality of living accommodation without significantly impacting the neighbouring properties or the character of the surrounding area. For these reasons we politely request that the refusal of this application is reconsidered.
- 11.2 In accordance with the Town and Country Planning Act 1990 it is respectfully requested that the Inspector allow this appeal.