
Appeal Decision

Site visit made on 27 November 2017

by C Jack BSc(Hons) MA MA(TP) MRTPI

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

Decision date: 1st December 2017.

Appeal Ref: APP/X1735/W/17/3182723
70 Havant Road, Hayling Island PO11 0LH

- 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 and Mrs Jeff and Ken Mould and Muddle against the decision of Havant Borough Council.
 - The application Ref APP/17/00320, dated 7 December 2017, was refused by notice dated 22 May 2017.
 - The development proposed is described as the 'Erection of Three four bedroom two storey detached houses with associated garages. Revised application following Refusal of first Application APP/16/01271'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on i) the character and appearance of the area, including the setting of nearby listed buildings and ii) the living conditions of neighbouring occupiers, with particular regard to privacy.

Reasons

3. The site currently forms part of the side and rear garden at 70 Havant Road (No 70), which is also known as Cottrell Farmhouse. The host property is Grade II listed and I am advised that it was formerly part of a farmstead consisting of several buildings, including a nearby granary that is also Grade II listed. Listed buildings are designated heritage assets and I am mindful of the relevant statutory duties. The locality, known as Stoke, is a modest, mainly residential linear settlement set along both sides of Havant Road. Houses are mixed in size, type and age, but are principally traditional in character and appearance and face onto the road. Stoke generally has a semi-rural character, and is largely surrounded by fields.
4. It is proposed to create a new access from Havant Road into the site and construct three detached houses of traditional design, each with gardens, parking and detached garage facilities.

Character and appearance

5. No 70 is defined as dating from the late 18th Century. From the listing description and other evidence before me, I consider that the significance of

this heritage asset relates primarily to the age, form and historic fabric of the building, and the specified features of special interest.

6. Section 66(1) of the planning (Listed Buildings and Conservation Areas) Act 1990 states that, 'in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting...'. Paragraph 132 of the Framework is clear that great weight should be given to a heritage asset's conservation and that its significance can be harmed by development within its setting.
7. The proposed new houses would sit adjacent to, albeit somewhat set back from, No 70, within the setting of the host listed building. Currently, the site forms part of an attractive garden setting to No 70, which buffers it from nearby properties by providing an appreciable gap in built form on that side. This helps to give No 70 some 'breathing space' and something of a standalone appearance from built development that is not historically related to the position of the former farmstead. Consequently, it makes an important contribution to the setting of the listed building and the way it is perceived from the public realm. Currently therefore, the appeal site makes a positive contribution to the significance of the heritage asset.
8. No 70 faces onto Havant Road, from where it is open to clear public view. The side and rear garden area is partially screened from the road by the existing fence and vegetation. The proposed houses and garages would have an inappropriately close relationship with No 70, occupying a large part of the garden that has an important function as part of the immediate setting of the listed building. The removal of trees and vegetation to create the access would open new views of the site, where the proposed development would be apparent. The substantial new built form, particularly of the two-storey houses, would also be visible in part above the boundary treatment and therefore visible in the setting to the side of No 70. While a private side garden area would be retained at the host property, the new buildings, by virtue of their number, overall scale, and siting in relation to No 70 would appear cramped and visually intrusive in relation to that listed building. Furthermore, their set-back position would be out of keeping with the established linear and road-facing pattern of development nearby.
9. While the effect on the setting of the granary would be significantly limited by existing screening, these factors would erode the existing relatively open character of the site by the introduction of significant new built form. In my view, this would harm the setting of the nearby listed buildings, particularly No 70, and detract from their significance and the character and appearance of the local area generally. The development would therefore conflict with Policy CS16 of the adopted Havant Borough Core Strategy 2011 (the CS), which sets out general design criteria including that development should respond positively to existing features of historic or local character within or close to the site. It would also conflict with Policy CS11 of the CS, which seeks to ensure that development would protect and enhance the special environment and heritage of the borough, including statutory heritage designations such as listed buildings.

10. These policies pre-date the National Planning Policy Framework (the Framework). However, I consider their relevant requirements to be generally consistent with the aims of the Framework in relation to good design and conserving and enhancing the historic environment. I have therefore given them substantial weight in this appeal.
11. In light of the above, I conclude that the proposed development would have a harmful effect on the character and appearance of the area, including the setting of nearby listed buildings by failing to preserve their setting, which is a matter of considerable importance and weight. I quantify the harm to the significance of the heritage assets as less than substantial, having regard to Paragraphs 133 and 134 of the Framework.
12. Where a development would lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. I return to consider the various benefits of the scheme below.
13. The proposal would also be generally inconsistent with the adopted Havant Borough Design Guide Supplementary Planning Document (SPD) 2011, which among other things advises that backland and infill sites should maintain and enhance the existing character and quality of the area, and that such development should be subservient to the frontage property.

Living conditions

14. 72 Havant Road is a residential barn, which I am advised was reconstructed, at least in part, following a storm. Its gable end is positioned fairly close to the boundary with the appeal site. The rear elevation of one of the new houses would face towards the gable end, where there are several windows. The windows at ground and first floor levels are narrow, and the two at first floor level are obscure glazed. These windows are largely screened from the site by existing evergreen hedging and some trees.
15. There would be potential for some mutual overlooking between the larger window at second floor level at No 72 and the rear windows at the new house, which would include habitable accommodation. The SPD provides guidance that back-to-back separation distances of at least 20m will normally be required in the interests of providing reasonably private rear space. Where one elevation is a blank gable this distance may be reduced to 10m. In this case the gable is not blank, but the relevant elevation at No 72 is also not a back elevation. On this basis, and having regard to the boundary screening between the site and No 72, I consider that while there would be some potential for mutual overlooking, the proposed separation distance of 17m is reasonable in the circumstances. Therefore, there would be no significant effect on the living conditions experienced at No 72 in this regard.
16. For these reasons, I conclude that the proposed development would not harm the living conditions of neighbouring occupiers, with particular regard to privacy. It would therefore accord with Policy CS16 of the CS, which among other things seeks to ensure that development would not cause unacceptable harm to the amenity of neighbours through loss of privacy and overlooking. This policy pre-dates the Framework but I consider it to be generally consistent with it, including in relation to seeking a good standard of amenity for all existing and future occupants of land and buildings, and so I have given it

substantial weight. The proposal would also be generally consistent with the requirements of the SPD.

Other Matters

17. I acknowledge there would be a number of public benefits of the proposed development. In particular there would be social and economic benefits arising from three additional dwellings in a residential area, which would also contribute towards the Council's housing requirements. These benefits would be modest in connection with a development of the scale and nature proposed, but I have afforded them some weight in favour of the appeal.
18. The site lies within the 5.6km zone of influence for the Solent Special Protection Area (SPA), where new housing development, without mitigation, is likely to have a significant effect on the SPA. The Council advises that it has received the relevant payment towards the Solent Recreation Mitigation Project, in accordance with Policy DM24 of the adopted Havant Borough Local Plan (Allocations) 2014. Accordingly, I am satisfied that the development would not be likely to affect the overall integrity of the SPA.

Conclusion

19. While I have not identified harm in relation to living conditions, I have identified significant harm in relation to the character and appearance of the area, including the setting of designated heritage assets. The modest public benefits of the scheme would not be sufficient to outweigh this harm to the conservation of the setting of nearby listed buildings, particularly No 70, to which great weight should be given. Therefore, for the reasons given above, and having regard to all matters raised, I conclude that the appeal should be dismissed.

Catherine Jack

INSPECTOR