

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

**STATEMENT OF
HAVANT BOROUGH COUNCIL**

(ADDRESS DETAILS)

**Local Planning Authority Reference:
APP/16/00493**

**Planning Inspectorate Reference:
APP/X1735/W/16/3163927**

HAVANT BOROUGH COUNCIL



TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)

APPEAL BY Mr Wayne Harris AGAINST THE DECISION OF HAVANT BOROUGH COUNCIL TO REFUSE TO GRANT PLANNING PERMISSION FOR VARIATION OF CONDITIONS 3 AND 4 OF PLANNING PERMISSION APP/16/00140 TO SUBDIVISION OF GROUND FLOOR SOUTH WINDOWS, PLASTIC WINDOWS AT FIRST AND SECOND FLOOR ON SOUTH ELEVATION AND ALTERATION TO DISTRIBUTION OF CLADDING ON NORTH ELEVATION

AT THE RICHARD COBDEN PUBLIC HOUSE, 74-76 WEST STREET, HAVANT, HAMPSHIRE, PO9 1LN

Planning Inspectorate Reference: APP/16/00493

LPA REF: APP/X1735/W/16/3163927

1.0 THE APPEAL SITE AND ITS SURROUNDINGS

- 1.1 The Richard Cobden Public House, 74-76 West Street, Havant. West Street lies within the town centre of Havant. The previously permitted use of 74-76 West Street was as a Public House, although the building has been vacant for some time and is currently being converted into flats. The site is located within the Black Dog Conservation Area but it is not specifically identified as a locally listed building. The area is mixed use in character with residential, retail and some light industry beyond the southern side of West Street. Immediately opposite the site is the former 'Black Dog' public house, now converted and extended into a small housing development. Beyond the rear northern boundary of the site is the Solent Retail park. There is no vehicular access from the north. The adjoining premises to the east remain in use with ground floor retail and residential uses above. The adjacent site to the west is a pair of semi-detached residential dwelling houses.

2.0 PLANNING HISTORY

97/57676/003 - Change of use of part of land to rear garden area for patrons and construction of patio, REF,15/05/1997

APP/12/00377 - Change of use from A4 (Public House) to Sui Generis (House of Multiple Occupation), and including part demolition and reconstruction of rear extensions, and reconstruction of rear wall and creation of separate cycle store., REF,09/10/2012

APP/15/00363 - Conversion of existing Public House to create 5No flats incorporating removal of existing rear extensions and construction of single and three storey rear extension with associated bin and cycle areas. (approved 14.07.15). Request to Discharge Condition No.s 3 and 5 dated 22.01.16., PERM,14/07/2015

APP/16/00064 - Method Statement V2. Drawings 1044-721, 1044-722, and 1044-723. Physical samples of feather-edged cladding board (black) and reclaimed plain clay roof tiles to be hand delivered. Render to be Sandtex Umber Stone. New windows to be painted softwood (white).

APP/16/00140 - Revisions to approved application APP/15/00363: Conversion of

existing Public House to create 5 No. flats., PERM,06/04/2016
APP/17/00034 - Variation of Condition 7 of Planning Permission APP/16/00140 relating to the pedestrian gates to be added to the rear garden to provide access to the land rear of No. 72 West Street. – Permission 3/3/17

3.0 THE APPLICATION

- 3.1 Variation of Conditions 3 and 4 of Planning Permission APP/16/00140 to subdivision of ground floor south windows, plastic windows at first and second floor on south elevation and alteration to distribution of cladding on north elevation.

Condition 3

All works of external repair, restoration and replacement shall faithfully match the original features and materials, unless otherwise agreed with the Local Planning Authority in writing. The tiles for the rear north elevation shall be David Cover & Sons Ltd - Heritage Edwardian and render to be Sandtex Umber Stone.

Reason: To secure a satisfactory and sympathetic form of development and having due regard to policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

Condition 4

The windows at ground floor level within the front elevation of the building shall be retained unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to retain important features or materials which may be of benefit in maintaining the history or character of the area and having due regard to policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and The National Planning Policy Framework, March 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)
DM24 (Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)

Listed Building Grade: Not applicable.
Conservation Area: Black Dog

5.0 REPRESENTATIONS

- 5.1 None

6.0 PLANNING CONSIDERATIONS

- 6.1 The former Richard Cobden PH which dates from the 19th century lies within the Black Dog Conservation Area. It is not specifically identified as a locally listed building but is a distinct feature in the local townscape and makes a strong contribution to the character and appearance of the conservation area. The surrounding area is mixed use in character, with residential, retail and some light industry. On the opposite side of the street, the former Black Dog public house has been extended and converted into residential use.
- 6.2 An essential part of the character of an historic building is the traditional elements that make up the whole façade of a building; this includes the windows. The front elevation contained mixed fenestration. In particular the ground floor acid etched windows with curved glass and the former traditionally detailed timber sash windows to the first floor were a strong component of the building's character.
- 6.3 It is clear from the photographs the appellant has provided that the previous windows displayed design details entirely in keeping with the age of the property. The sliding sashes with the upper and lower windows on different planes, the number of separate glass panes, the slim proportions of the glazing bars in relation to the sturdy supporting structure and other appropriate details gave the windows elegance and articulation. Although they were in need of repair the windows positively contributed to the character and appearance of the building itself and to the positive contribution that the building makes to the street scene; albeit that this is not a listed building.
- 6.4 The elegance of that design has been lost in the replacements installed. In particular the substantial UPVC frames give them a heavy and clumsy appearance; the quite patently fake sub-division of the windows by the vertical and horizontal "glazing bars" sandwiched between the double glazing does little to break up the flat appearance of the single, wide sheets of glass. The alterations have noticeably changed the appearance of the front of the building. The overall result is a degradation of the character and appearance of the building itself which in turn diminishes the contribution that the building makes to the street scene.
- 6.5 The second floor windows were later additions but were simple in style and maintained the thinner timber appearance. The Upvc windows installed have thicker proportions that do not sit comfortably on the building. It is clear from the street scene that the windows are not timber and are indeed constructed of Upvc.
- 6.6 As a building in a conservation area there is a duty to consider whether works which require planning permission preserve or enhance the character or appearance of the area – the character and appearance of the Black Dog Conservation Area has not been preserved in this case.
- 6.7 The Appellant says the pre-existing windows were in a very poor state of repair and that the replacements provide improved insulation (against traffic noise and draughts) and improve the condition of the building. However, this does not provide sufficient justification for windows which have resulted in a loss of distinctiveness and damage to the conservation area. Furthermore, there is nothing to indicate that the same benefits could not be achieved with sympathetically designed replacements. It is noted the Appellant's claim that the pre-existing windows were an eyesore but this seems to be simply as a result of their state of repair rather than a

criticism of their design and again does not warrant inappropriate replacements.

6.8 The Planning Authority acknowledge that examples of uPVC windows can be found on other buildings in the conservation area but can nothing directly comparable to the appeal proposal. Therefore the replacement windows would by virtue of their material, design and detailing be unsympathetic alterations to the building and would be detrimental to the character and appearance of the Black Dog Conservation Area.

6.9 The replacement bay windows damage the character and appearance of the Black Dog Conservation Area, a designated heritage asset and the locally distinctive host building. In so doing the Planning Authority Consider that the development conflicts with the up to date National Planning Policy Framework and with local planning policies, in particular saved Local Plan policies

7.0 CONCLUSION

7.1 The Inspector is respectfully requested to dismiss the appeal on the grounds that the replacement windows by virtue of their material, design, subdivision and detailing be unsympathetic alterations to the building and would be detrimental to the character and appearance of the Black Dog Conservation Area.

APPENDICES

- (A) Borough Plan
- (B) GIS Plan

In accordance with question 22.j. of the appeal questionnaire the Local Planning Authority suggest the following conditions, these take into account the recent conditions attached under application APP/17/00034 - Variation of Condition 7 of Planning Permission APP/16/00140 relating to the pedestrian gates to be added to the rear garden to provide access to the land rear of No. 72 West Street:

1 The development must be begun not later than 16 April 2019.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Design, Access, Sustainability and Heritage Report

Site Plan Drwg.No 1044-131

Block Plan Drwg.No 1044-131

Existing Ground Floor Plan Drwg. No. 1044-231

Existing First and Second Floor Plans Drwg.No 1044-232

Existing Elevation Plans Drwg.No 1044-331

Existing Elevation Plans Drwg.No 1044-401

Proposed Ground Floor Plan Drwg.No 1044-431

Proposed First & Second Floor Plans Drwg.No 1044-432

Proposed site plan 1044-221B received 6th January 2017

Proposed South Elevation drwg.no 1044 532 rev B received 23 September 2016

Proposed Elevations Variation drwg.no 1044 533 rev C received 23 September 2016

Proposed Flat 2 Bed 1 drwg.no 1044 724 received 15 August 2016

Proposed Flat 2 Bed 1 drwg.no 1044 725 received 15 August 2016

Reason: - To ensure provision of a satisfactory development.

3. If, during development, soil or groundwater that appears to be impacted by contamination is found to be present, no further development shall be undertaken until an appropriate assessment has been undertaken, and a report detailing how that contamination is to be dealt with, has been submitted to and approved by the Local Planning Authority. Unless otherwise agreed in writing, all works outlined in the submitted report shall be adhered to.

Reason: Having due regard to policies DM10 of the Havant Borough Local Plan (Core Strategy) 2011, and DM17 of the Havant Borough Local Plan (Allocations) (2014) and the National Planning Policy Framework, 2012; there is a low risk of the presence of Contamination associated with historic uses of land or buildings at the site that if present, could pose a risk to future site occupiers.

6 No part of the development shall be brought into use before the bin storage shown on the approved plan is provided and thereafter shall be kept available for this purpose.

Reason: To safeguard the amenities of the locality and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework, March 2012.

Borough of Havant



- Main Retail/Commercial/Office Areas
- Urban Areas
- Industrial Areas
- Open Space/Recreation
- Borough Boundary

