

Appeal Statement of Case

41 Beach Road, Emsworth PO10 7HR

Havant Borough Council Ref: APP/23/00779

Genesis Town Planning Ref: 24024.SOC01.22072024

July 2024

GENESIS
T O W N P L A N N I N G

Appeal	Appeal against the refusal of Havant Borough Council to grant permission for the demolition of the existing dwelling and replacement with sustainable modern dwelling (Use Class C3), incorporating a studio, garaging, solar panels, landscaping and associated works APP/23/00779
Site Address	Creek Cottage, 41 Beach Road, Emsworth, PO10 7HR
GTP Reference	24024

Document Management

Project	Version	Date	Author	Checked/ Approved by	Reason for Revision
24024	SoC-01	22/07/2024	CC	KM	

Contents

1	Introduction	1
2	Site Description	2
3	Planning History and Background to the Appeal Site...	3
4	Relevant Planning Policies	6
	National Planning Policy Framework	6
	The National Design Guide	11
	Local Plan	13
5	Planning Assessment	17
	Context and Siting	17
	Design Review Panel.....	19
	Impact on Setting of the AONB.....	21
	Design Considerations	25
	Neighbourhood Plan	27
	Residential Amenity	30
6	Conclusion.....	32

Appendices

Appendix 1	Design Review Panel Comments
Appendix 2	Design Statement of Case

1 INTRODUCTION

1.1 This appeal follows the refusal of planning permission by Havant Borough Council in connection with application reference APP/23/00779 for the demolition of an existing dwelling and replacement with sustainable modern dwelling (Use Class C3), incorporating a studio, garaging, solar panels, landscaping and associated works at Creek Cottage, 41 Beach Road, Emsworth, PO10 7HR. The application was refused on 29th January 2024.

1.2 The decision notice contains two reasons for refusal which comprise:

- 1 **By virtue of the scale of the contemporary flat roofed two storey design, and forward siting of the proposal, the development would fail to respect the pitched roof character and context of the site, and established building line and therefore detract from the appearance and spatial characteristics of the locality. The incongruous, overly bulky and dominant form of development with full height glazing at first floor would have an adverse visual impact on the wider landscape and setting of the adjacent Chichester Harbour AONB. It has not been adequately demonstrated that the increased silhouette of the proposal would meet policy PP03 of the Chichester Harbour AONB Planning Principles. The proposal is therefore contrary to policies CS11, CS12 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011; Policies D1, D2 and D7 of the Emsworth Neighbourhood Plan 2019-2036; Policies 1 and 2 of the Chichester Harbour Management Plan Third Review 2019-2024, and Chichester Harbour Area of Outstanding Natural Beauty Joint Supplementary Planning Document 2017 and the National Planning Policy Framework, December 2023.**
- 2 **By virtue of the scale of the contemporary flat roofed two storey design, and forward siting of the proposal, the development would have an adverse impact on the outlook of neighbouring residents at 72 and 74 Warblington Road, reducing their skyline and open aspects. The incongruous bulky design, including ancillary roof paraphernalia in the form of solar panels and rooftop addition, would also be harmful to the outlook of other neighbours in the wider context, contrary to policy CS16 clause 1.e) of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.**

2 SITE DESCRIPTION

- 2.1 The appeal site comprises an existing chalet style dwelling accessed via the southern end of Beach Road. Currently the property has five bedrooms, three reception rooms and three bathrooms over two floors with an attached workshop and a triple garage. The site is relatively flat but undulates slightly and is set slightly lower than the adjacent highway and measures approximately 0.1ha.
- 2.2 The existing property has a single storey eaves line with accommodation in a gabled roof with flat roofed dormers and flat roofed single storey additions to most of the elevations. It is constructed of a mix of white painted brick, render and some white cladding with a dark plain tiled roof. The existing dwelling and outbuildings are not worthy of retention or of any architectural merit. The curtilage of the site is currently overgrown. The condition of the dwelling and outbuildings is becoming increasingly dilapidated, so a modern and more sustainable replacement dwelling is proposed.
- 2.3 Surrounding the appeal site to the north and west boundaries are existing residential properties. To the rear (north), number 72 Warblington Road comprises a detached three storey dwelling with first and second floor windows, set in large flat roofed dormers, facing the application site. Its siting within the plot is such that the separation to the shared boundary is minimal, only between 4m to 5m. As such, this property currently overlooks the private domestic garden area of the appeal site. To the west, 74 Warblington Road was originally an identical chalet bungalow to the application site (as was 76 to the west) but has been enlarged and increased in height.
- 2.4 The boundaries of the appeal site currently comprise a mix of 1.8m high brick wall (northern boundary) and close boarded fencing with mature shrubs on the majority of the other boundaries. The trees and shrubs within the site are all generally domestic but there is a Blue Cedar tree located on the southern boundary adjacent to the public footpath. To the south the site has an extensive water frontage, separated by a narrow public footpath (Wayfarers Walk). To the east, beyond Beach Road is another row of houses that front the harbour (Western Parade).
- 2.5 The wider context to the east comprises more contemporary replacement dwellings interspersed with a mix of architectural styles and materials. Building form range from single storey to two-storey dwellings, with no defining character, style or design form. There are examples of three-storey dwellings along Warblington Road.
- 2.6 There are no listed buildings in the vicinity and nor is the site within a Conservation Area or area of special character.
- 2.7 The appeal site lies adjacent to the Chichester Harbour AONB and SSSI; the Chichester and Langstone Harbours RAMSAR and SPA; and the Solent Maritime SAC. The southern part of the appeal site falls within Flood Zones 2 and 3 and the entire site falls within the future flood zone.

3 PLANNING HISTORY AND BACKGROUND TO THE APPEAL SITE

3.1 The relevant planning history of the site is as follows:

Application Reference	Detail	Decision
20218/3	Outline application for one dwelling adjacent to No. 41	Permitted 24/6/1977
20218/4	Erection of 1no. 4 bed dwelling (now 72 Warblington Road).	Permitted 7/4/1978
00/52669/01	Single storey extension to west elevation.	Permitted 07/08/2000

3.2 The submitted Planning Statement that accompanied the planning application sets out in detail the background to the site's development proposal. This includes a summary of the pre-application process that was undertaken and the subsequent consultation process with The Design Review Panel (DRP) - an independent group of professionals providing impartial advice on design matters. The scheme design was amended to reflect the advice provided by the DRP prior to submission of the application.

3.3 The findings of the DRP are set out in paragraph 3.10 of the application Planning Statement and have been included at **Appendix 1** of this Statement of Case. In providing their advice the Panel's summary of recommendations included the following:

- Overall, the building & landscape design proposals are commended for their high standards & sustainability commitment.
- Landscape design could be further harmonized with the surrounding environment.
- Establishing & maintaining the proposed balcony edge planting remains a concern.
- Presentation material could benefit from additional context, including photographs titles & expanded design brief.
- Additions such as a "height" scale bar & detailed site representation could improve understanding.
- A more detailed depiction of the occupants' daily routines could offer helpful insights.
- Compliance with National Space Standards & BR-AD-M4(2) requirements could be made more explicit.
- Identifying SSSI, SPA & SAC on the plan could clarify their development impact.
- Sustainability strategy may benefit from further justification, particularly regarding thermal bridge requirements & carbon reduction claims.
- A more comprehensive solar gain analysis & evidence of design development could enhance understanding.

- It may be beneficial to provide clarity on how thermal bridge requirements will be met with the proposed construction materials.
 - The principle of the proposals is acceptable, & the proposals are supported as the design is of high quality, contextually appropriate & overall represents good architecture with admirable sustainability aspirations.
- 3.4 In making a determination on the application, the Council sought no specialist design advice, either internally or from an external expert, to understand the design rationale or to analyse the design process adopted by the Appellant.
- 3.5 The application attracted no objections from the following internal and external consultees:
- Arboriculture – no objection subject to conditions
 - Building Control – no objection
 - Coastal Engineering - no objection
 - Crime Prevention – no comments received
 - Ecology – no objection
 - Engineering/Drainage – no objection
 - Environment Agency - no objection
 - Environmental health - no objection
 - Natural England - no objection
 - Norse South East - no comments received
 - Portsmouth Water Company - no objection
 - RSPB – no comments received
 - Waste Water Services Manager – no comments received
- 3.6 Comments/objections were provided by the Chichester Harbour Conservancy Board, Emsworth Residents Forum and Hampshire Highways.
- Chichester Harbour Conservancy Board – objection – notwithstanding adjustments that have been made to the overall design, following a pre-application enquiry and the impressive sustainable credentials of the replacement dwelling, there would be adverse visual impact to the setting of the Chichester Harbour AONB. This would be by reason of added bulk and mass across the width of the plot at first floor level, accentuated by the amount of reflection off full length glazing and an incongruous flat-roofed design containing skylight windows (adding pollution of the night sky), where the immediate context is predominantly of pitched roof forms.
 - Emsworth Residents Forum – The application accords well with policy D6, which supports general sustainability goals, indeed it sets very high standards indeed in this regards. The proposal does not accord with policies and aspirations within the neighbourhood plan. In particular, policies D1, D2 and D3 require proposals for new buildings to respect the character of the area and have regard to the Design Checklist in the plan. The proposal for a flat roof ignores Design Guidelines 41 and 42. The adoption of a flat roof over first floor

which maximises living space adds to the perception of the building as a rather massive and bulky building as seen from all directions. Whilst the replacement building as proposed is now similar in height to surrounding properties, all other properties have pitched roofs. Neighbourhood Plan Policy D7 (Mitigate Light Pollution) is especially important in this location – para b) emphasises the importance of the waterfront location. We note the technical Dark Skies report, but we do not have the technical expertise to comment on its conclusions. However, we note that the increased living space at first floor level is likely to increase light intrusion across the harbour.

- Hampshire Highways – The full length of the proposed drop kerb should be confirmed and works to provide the dropped kerb will need separate consent.

3.7 Attached at **Appendix 2** is a Design Statement of Case prepared by OB Architecture in response to the objections raised in the reasons for refusal. This design Statement of Case should be read in conjunction with this document as a whole.

3.8 The officer report sets out a full assessment of the proposed development. This is assessed in later sections of this Statement of Case.

4 RELEVANT PLANNING POLICIES

- 4.1 Planning policy considerations relevant to this planning appeal comprise national and local policy and guidance. At national level, the relevant documents are the National Planning Policy Framework (as updated in December 2023). At local level, the relevant documents are the Havant Borough Local Plan Core Strategy (March 2011); Havant Borough Local Plan (Allocations) (July 2014); Emsworth Neighbourhood Plan (Adopted 2021); Havant Borough Council Borough Design Guide SPD (December 2011). The Council has made reference to other policy and guidance documents including the Chichester Harbour Management Plan (2019-2024) Third Review; Chichester Harbour Planning Principles 2019-2024; and Chichester Harbour Area of Outstanding Natural Beauty Joint Supplementary Planning Document (July 2017). These policy and guidance documents relate to development located within the Chichester Harbour AONB and their relevance to the appeal scheme is therefore limited to the extent of impact of the development proposed on the setting of the AONB.

National Planning Policy Framework (NPPF)

Plan Making

- 4.2 The Framework (December 2023) sets out the Government's clear objectives in relation to the delivery and provision of sustainable development.
- 4.3 Section 2 of the Framework provides for the achievement of sustainable development, while paragraph 8 confirms that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of three different objectives). These are:
- A) An economic objective to build a strong, responsive and competitive economy by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
 - B) A social objective to support strong, vibrant and healthy communities by ensuring that sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
 - C) An environmental objective to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 4.4 Paragraph 11 requires that Plans and decisions should apply a presumption in favour of sustainable development which means for plan making that:

- a) All plans should promote a sustainable pattern of development that seeks to meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;
 - b) Strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses as well as any needs that cannot be met within neighbouring areas, unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or
 - ii. 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.
- 4.5 Paragraph 13 confirms that the application of the presumption in favour of sustainable development will influence the way in which communities engage with the plan making process and Neighbourhood Plans. It confirms that Neighbourhood Plans should support the delivery of strategic policies contained in local plans or spatial development strategies.
- 4.6 Paragraph 15 confirms that the planning system should be genuinely plan-led. Plans should provide a positive vision for the future of each area and a framework for addressing housing, economic, social and environmental needs.
- 4.7 To achieve that objective paragraph 16 confirms that Plans should:
- a) be prepared with the objective of contributing to the achievement of sustainable development;
 - b) be prepared positively, in a way that is aspirational but deliverable;
 - c) be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;
 - d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development;
 - e) be accessible through the use of digital tools to assist public involvement and policy presentation; and
 - f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area, (including policies in this Framework, where relevant).
- 4.8 Paragraphs 20-27 are concerned with strategic policies in local plans, confirming that they should set out an overall strategy for the pattern, scale and quality of development and make sufficient provision of housing, employment, retail, leisure and other commercial uses.

- 4.9 Plans should make explicit which policies are strategic and which are non-strategic. Paragraph 22 confirms that strategic policies should look ahead over a minimum 15-year period from adoption to anticipate and respond to long term requirements and opportunities.
- 4.10 Paragraph 23 confirms that strategic policies should provide a clear strategy for bringing enough land forward, at a sufficient rate, to address objectively assessed needs over the Plan period, in line with the presumption in favour of sustainable development. This should include planning for and allocating sufficient sites to deliver the strategic priorities of the area.
- 4.11 In preparing and reviewing Plans, the Framework confirms at paragraph 31 that LPAs should ensure that the plan process is underpinned by up to date evidence. This should be adequate and proportionate, and focused tightly on supporting and justifying the policies concerned, taking into account relevant market signals.
- 4.12 Paragraph 32 reaffirms that Local Plans and spatial strategies should be informed throughout their preparation by a sustainability appraisal that meets the relevant legal requirements.
- 4.13 Paragraph 35 sets out the tests of soundness all Local Plans are required to comply with. These require that plans are:
- a) Positively prepared – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs;
 - b) Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
 - c) Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters; and
 - d) Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies of the Framework.

Decision Making

- 4.14 Paragraph 38 is concerned with decision making and the determination of planning applications and reaffirms the requirement for decision makers at every level to approve applications for sustainable development where possible.
- 4.15 Paragraph 47 confirms that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. In that regard, a failure of a planning authority to meet its 5-year housing land supply may be regarded sufficiently material so as to outweigh the policies within the development plan.
- 4.16 Paragraph 48 addresses the weight to be given to relevant policies in emerging plans and confirms that due weight should be given according to:
- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - c) the degree of consistency of the relevant policies in the emerging plan to the policies in the Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
- 4.17 Matters of prematurity (which are relevant in relation to large scale developments) are set out at paragraph 49. This confirms that having regard to the presumption in favour of sustainable development, arguments that an application is premature *[to the adoption of the Local Plan]* are unlikely to justify a refusal of planning permission except where both of the following apply:
- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by pre-determining decisions about the scale, location or phasing of new development that are central to an emerging plan; and
 - b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.
- 4.18 The Framework is focused on the Government's objective to significantly boost the supply of new homes, emphasising the importance of the need for a "...sufficient amount and variety of land to come forward where it is needed without delay." (paragraph 60). This approach has underpinned numerous recent appeal decisions and High Court rulings notwithstanding that local authorities have been able to show a demonstrable 5-year supply of housing. This change in emphasis is now a material consideration in the delivery of all sites, whether they be for market, low-cost market or affordable homes.
- 4.19 Paragraph 74 of the Framework confirms that the supply of large numbers of new homes can often be best achieved through the planning for larger scale development, such as new settlements or significant extensions to existing villages and towns. The paragraph encourages planning authorities to identify suitable locations for such development where this can help to meet identified needs in a sustainable way.
- 4.20 Paragraph 76 confirms Local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing for decision making purposes if the following criteria are met:
- a) their adopted plan is less than five years old; and
 - b) that adopted plan identified at least a five year supply of specific, deliverable sites at the time that its examination concluded.
- 4.21 Having regard to the above, paragraph 77 confirms that in all other circumstances LPAs should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of supply or four years' worth if the provisions in paragraph 226 apply. In this particular case the provisions of paragraph 226 do not apply, and a 5-year requirement has to be met by the LPA.

- 4.22 Paragraph 123 confirms that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, making as much use as possible of previously developed or brownfield land. Paragraph 129 confirms that design guides and codes and masterplans can be used to help ensure that land is used efficiently while also creating beautiful and sustainable places.

Achieving Well Designed Places

- 4.23 Paragraph 131 sets out that the creation of high quality, beautiful and sustainable buildings is fundamental to what the planning and development process should achieve. It confirms that *“...good design is key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*
- 4.24 On matters of design, paragraph 133 confirms that all local planning authorities should prepare design guides or codes consistent with the principles set out in the National Design Guide and National Model Design Code, and which reflect local character and design preferences. The paragraph confirms that in developing design guides and codes, *“...the level of detail and degree of prescription should be tailored to the circumstances and scale of change in each place and should allow a suitable degree of variety.”* Paragraph 134 reaffirms that design guides and codes can be prepared at an area-wide, neighbourhood or site specific scale, and to carry weight in decision-making should be produced either as part of a plan or as supplementary planning documents. In the absence of locally produced design guides, the paragraph confirms that the National Design Guide and the National Model Design Code should be used to guide decisions on applications.
- 4.25 Paragraph 135 in particular is concerned with design matters and requires that planning policies and decisions should ensure that developments:
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change;
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
 - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
 - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

- 4.26 Paragraph 138 confirms local planning authorities should ensure they have access to, and make appropriate use of, tools and processes for assessing and improving the design of development. In assessing applications, local planning authorities should have regard to the outcome from these processes, including any recommendations made by design review panels.
- 4.27 Paragraph 139 confirms that development that is not well designed should be refused especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely significant weight should be given to:
- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
 - b) outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

Conserving and Enhancing the Natural Environment

- 4.28 Section 15 of the Framework is concerned with conserving and enhancing the natural environment. Paragraph 182 confirms that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. It also confirms that the scale and extent of development within these areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

The National Design Guide

- 4.29 The National Design Guide (NDG) was introduced in October 2019 and updated in January 2021. It expands on design policy in the NPPF by outlining and illustrating the Government's priorities for well-designed places in the form of ten characteristics. It recognises that a well-designed place is unlikely to be achieved by focusing only on appearance, materials and detailing of buildings.
- 4.30 Paragraph 20 of the NDG confirms that buildings “...are an important component of places and proposals for built development...” with good design involving careful attention to other components of places, including their context. Paragraph 21 goes on to qualify that “...a well-designed place is unlikely to be achieved by focusing only on the appearance, materials and detailing of buildings...”. The paragraph goes on to advise that good design comes about through making the right choices at all levels including:
- the layout
 - the form and scale of buildings
 - their appearance
 - landscape
 - materials; and
 - their detailing

- 4.31 Paragraph 31 advises that all developments are made up of these key components and are put together in a particular way to achieve the ten characteristics set out in the NDG, and to shape the character of a place.
- 4.32 Paragraph 42 confirms that *“...well-designed development proposals are shaped by an understanding of the context that identifies opportunities for design as well as constraints upon it.”* In making any such design assessment, it should be proportionate to the nature, size and sensitivity of the site and proposal. Paragraph 43 advises that *“...well-designed new development is integrated into its wider surroundings, physically, socially and visually. It is carefully sited and designed and is demonstrably based on an understanding of the existing situation...”*. Paragraph 44 emphasises that well-designed places *“...do not need to copy their surroundings in every way. It is appropriate to introduce elements that reflect how we live today, to include innovation or change such as increased densities, and to incorporate new sustainable features or systems.”* Paragraph 45 goes on to advise that in proposing innovative design solutions it is important to communicate the benefits of the scheme and how the design of the development relates to context and local character.
- 4.33 Understanding local character is fundamental to the evolution of the design process. To this end, paragraph 50 advises that the identity or character of a place comes from the way that buildings, streets and spaces, landscape and infrastructure combine together. In this context, paragraph 59 confirms that *“...where scale or density of new development is very different to the existing place, it may be more appropriate to create a new identity rather than scale up the character of an existing place in its context. New character may also arise from a response to how today’s lifestyles could evolve in the future, or to the proposed method of development and construction.”* Paragraph 60 confirms that where the character of an existing place has limited or few positive qualities, then a new and positive character will enhance its identity.
- 4.34 In addressing the provision of functional, healthy and sustainable buildings, paragraph 122 advises that well-designed successful buildings *“...provide attractive, stimulating and positive places for all, whether for activity, interaction, retreat, or simply passing by”*.
- 4.35 In terms of resources and sustainability paragraph 135 reaffirms the need for new development to conserve natural resources and to respond to the impacts of climate change. This includes creating a design that is energy efficient, embodies sustainable and renewable energy, and aims to minimise carbon emissions to meet net zero by 2050. To this end, well-designed places and buildings should follow the energy hierarchy of:
- reducing the need for energy through passive measures including form, orientation and fabric;
 - using energy efficient mechanical and electrical systems, including heat pumps, heat recovery and LED lights; and
 - maximising renewable energy especially through decentralised sources, including on-site generation.

Local Plan

- 4.36 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The adopted development plan for Havant Borough Council comprises The Havant Borough Local Plan Core Strategy (HBCS) which was adopted on the 1st March 2011, The Havant Borough Allocations Local Plan (the ALP), adopted in July 2014 and the made Emsworth Neighbourhood Plan 2019-2036.
- 4.37 The revised Havant Borough Local Plan 2036 went to Examination on 12th February 2021 but was withdrawn in March 2022. To date, no new replacement plan has been progressed.

Havant Borough Local Plan (Core Strategy) 2011 (HBCS)

- 4.38 Policies relevant to the appeal are set out within the refusal notice. These include the following policies:
- Havant Borough Local Plan (Core Strategy) March 2011
 - CS11 (Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
 - CS12 (Chichester Harbour Area of Outstanding Natural Beauty (AONB))
 - CS16 (High Quality Design)
 - Emsworth Neighbourhood Plan 2019-2036
 - D1 (General Design Policy)
 - D2 (Height, Mass & Materials)
 - D7 (Mitigate Light Pollution)
- Other policy documents and SPD's considered relevant to the appeal proposal include:
- Chichester Harbour Area of Outstanding Natural Beauty Joint Supplementary Planning Document – Adopted July 2017
 - Havant Borough Council – Borough Design Guide Supplementary Planning Document
- 4.39 The relevant policies are considered further in the following paragraphs.
- 4.40 Policy CS11 aims to protect and enhance the special environment and heritage of the Borough. The Policy permits development that meets relevant criteria set out within the policy. Criterion 1 and 2, in relation to the protection and enhancement of statutory landscape designations, are most pertinent to the appeal scheme.
- 4.41 Policy CS12 is concerned with the Chichester Harbour Area of Outstanding Natural Beauty (AONB) and permits development where it:
1. Carefully assesses the impact of individual proposals, and their cumulative effect, on the Chichester Harbour AONB, and its setting.
 2. Is appropriate to the economic, social and environmental wellbeing of the area or is desirable for the understanding and enjoyment of the area.

3. Conserves and enhances the special qualities of the Chichester Harbour AONB (as defined in the Chichester Harbour AONB Management Plan).
 4. Meets the policy aims of the Chichester Harbour AONB Management Plan.
 5. Provides mitigation of any detrimental effects including where appropriate the improvement of existing damaged landscapes relating to the proposal.
- 4.42 Policy CS16 confirms that planning permission will be granted for development that is of high-quality design. The policy sets out a range of criteria based requirements which new development should aim to meet. These include:
- Identifying and responding positively to existing features of natural or local character within or close to the proposed development site;
 - Integrating with the existing local landscape features;
 - Using the characteristics of the locality to inform design, including height, mass, plot widths/ depths, materials and proportions;
 - Ensuring development connects and integrates with the immediate local area;
 - Avoiding unacceptable harm to the amenity of neighbours through smell, the loss of privacy, outlook, noise and overlooking;
 - Creating positive relationships between buildings, street and spaces, reducing the opportunities for crime, avoiding streets dominated by traffic and creating legible layouts;
 - Mitigates negative environmental impacts through sustainable design and construction methods and resource efficiency;
 - Making a positive contribution to the public realm through the use of high quality hard and soft landscape materials; and
 - Be inclusive, recognising the needs of those with disabilities.
- 4.43 On local design, character and distinctiveness, the supporting text to Policy CS16 at paragraph 7.41 acknowledges that parts of the borough, particularly some of the suburban areas, are not well designed and in many cases lack local identity. The Plan offers a unique opportunity to turn this around “...and secure the highest design standards and quality in new developments to deliver attractive, inclusive, safe and sustainable communities for the future...”.
- 4.44 Paragraph 7.42 of the supporting text goes further to reinforce the importance of good design and how this should respond to local character. The paragraph confirms that by understanding the local context it is possible to determine “...positive elements of local character that helps to distinguish one place from another...”. This can include materials used, typical plot widths and heights of buildings. The paragraph recognises that some sites have their own distinguishing features. New development should minimise impact on neighbouring properties and ensure it integrates with its surroundings and “...either enhances areas of existing quality or introduces a more distinctive character to areas of weaker character. This does not restrict the style of the building; innovative contemporary designs may also be acceptable, providing they have been inspired by the local context and make a positive contribution to the local area”.

Havant Borough Local Plan (Allocations) – July 2014

- 4.45 This Plan was adopted in July 2014 and sets out the Borough's vision for the delivery of housing and economic development up to 2026. The main aim of the Plan is to assist the Borough's delivery of new housing and employment land through a planned release of allocation sites.
- 4.46 Policy AL1 is concerned with the presumption in favour of sustainable development emphasising that the Borough Council will take a positive approach that reflects the advice and guidance set out in national planning policy. The policy confirms that planning permission will be granted for sustainable development, unless material considerations indicate otherwise.

Emsworth Neighbourhood Plan 2019-2036

- 4.47 The reasons for refusal cite conflict with the Emsworth Neighbourhood Plan 2019-2036 (ENP) in particular, policies D1, D2 and D7. The ENP was made in September 2021, but the adopted Core Strategy is now time-expired having been adopted in 2011. In addition, Havant Borough Council cannot currently demonstrate a 5-year supply of deliverable housing land and has withdrawn its emerging Local Plan from Examination. As such the presumption at paragraph 11(d) applies to all applications involving the provision of housing. In those circumstances the weight to be attached to policies within the Neighbourhood Plan diminish where it does not contain policies and allocations to meet its identified housing requirement.
- 4.48 Policy D1 of the ENP is a general design policy and requires all new development and redevelopment to be of a high quality, in accordance with the other policies within the ENP. It requires the impact of any development, along with landscape mitigation measures to be specified within the Design and Access Statement and all development should have regard to the design checklist in the ENP. Policy D2 is concerned with matters of height, massing and materials. It requires all new development to enhance the character of the area and be appropriate in height, mass and materials. It goes on to advise at criterion (a) that *"...in most cases, this will mean buildings constructed or clad in materials typical for the area with any pitched roofs being of slate or tile."* Criterion (b) goes on to advise that *"...other than in exceptional circumstances, new buildings should be no more than three storeys in height, including the use of the roof to provide for up to four floors of useable space."*
- 4.49 Policy D7 is concerned with light pollution requiring that in all development it should be minimised, particularly adjacent to the Emsworth waterfront. The policy is specifically concerned with outside lighting rather than indoor lighting.
- 4.50 The above national and local policies set out that design considerations are fundamental in underpinning the quality of new development, the creation of a sense of place and delivering a form of development that is respectful and responsive to the local character, context and vernacular appearance of the area within which it is located. Those same policies recognise that some areas within the borough do not possess the same distinctive character as others, and can often lack identity and distinctiveness, which itself can stifle opportunity for good design if re-interpreted. Local and national policies similarly seek to promote high quality contemporary

design provided that it responds positively to its setting and is fully justified, and the design rationale fully explained. All policies promote sustainable design and construction, with the aim of reducing carbon emissions in a direct response to the climate crisis. The delivery of sustainable and renewable features within new development are also an important component that is encouraged both at national and local policy level.

- 4.51 Having regard to the above, an assessment of the appeal schemes compliance with national and local plan policies is set out in the following sections of this Statement of Case.

5 PLANNING ASSESSMENT

- 5.1 The appeal scheme has been refused for two principal reasons, both of which relate to matters of design and the impact of the development on the wider landscape setting of the area and the adjacent AONB. Furthermore, the reasons for refusal identify the inappropriate contemporary form and flat roof design, together with its forward siting, would be deemed harmful to the amenity of neighbouring occupiers by virtue of a loss of skyline and open aspect. The design is also considered to be incongruous and bulky and the ancillary roof paraphernalia (solar panels) would be harmful to the outlook of neighbours in the wider context.
- 5.2 In assessing the reasons for refusal, this section of the SoC will demonstrate that the Council failed to have proper regard to the design aspects of the development proposal, failed to take advice on specific design matters to inform their assessment of the scheme and failed to have due regard to the comments made by the DRP. In support of these arguments attached at **Appendix 2** is a Design Statement of Case prepared by OB Architecture. This section of the Statement of Case, in conjunction with the Design Statement of Case, will address the following considerations by reference to the Officer Report (OR) and additionally, the supporting material prepared by the Appellant at the application stage:
- Context and Siting
 - Design Review Panel
 - Impact on the Setting of the AONB
 - Design Considerations
 - Neighbourhood Plan
 - Residential Amenity

Context and Siting

- 5.3 The assessment of the appeal scheme and the detailed considerations which led to the decision notice are set out within the Officer Report. Although undated, we presume this to have been prepared on or around the determination date of the application.
- 5.4 The officer report sets out a description of the site and surroundings, recognising at paragraph 1.4 that the dwelling to the rear of the site at 72 Warblington Road is a detached three-storey dwelling. Indeed, many of the dwellings along Warblington Road are either two or three storey in height, interspersed with chalet bungalows. There is a varied form of building design both here and within the foreshore. No one style predominates, and materials vary between brick, tile, weatherboarding and render. Along the foreshore, houses are a general mix of single, chalet and two-storey homes. The majority have pitched roofs with some limited examples having mono-pitched roofs. All dwellings vary in their form and construction blending both traditional and modern/contemporary design elements. The general character of the area around the appeal site is mixed, non-descript, and certainly possesses no distinct special character in terms of building design, quality and form and is not designated for its heritage value or design characteristics. This mixed and varied character of development is recognised at paragraph 1.5 of the OR.

- 5.5 There is no formalised building line either, with the majority of houses along Western Parade set back on their plots, but with projecting ground and first floor additions which add variety to the street scene and designed to take advantage of the views over the harbour. In the main, the front elevations of houses to the east of the appeal site are set back from the gravel track by between 10 metres and 18metres. To the west of the appeal site, buildings are much closer to the foreshore, having distances of around 5-7metres. A more detailed analysis of this characteristic is set out in the Design Statement of Case at Appendix 2.
- 5.6 Having regard to this assessment, the appeal scheme cannot be deemed to be out of character with its surroundings or the context of the site. The proposed dwelling would be sited back from the southern boundary (see section 13 and 14 of the D&A) and would not project any further forward than the forward most extension on the existing bungalow. Furthermore, the building frontage sits on the line with the house immediately to the west (conservatory addition) and would be comparable to the frontages of other dwellings to the east. What is apparent is a distinct difference in the plot frontages encompassing the appeal site and other houses to the east along Western Parade. The appeal site and properties to the west have a closer relationship with the shoreline compared to houses along Western Parade which are set much further back on their plots. Notwithstanding that the proposed dwelling will be two-storey the siting in itself gives rise to no perceptible harm. We would draw the Inspector's attention to the comparative plans contained within the Design Statement of Case, which shows how the proposed floor layout plans relate to the existing dwelling within the site and those which adjoin it to the east and west.
- 5.7 The OR at paragraph 7.9 confirms that *"...the siting of the proposed dwelling within the plot is also of concern and fails to respect the building line set by the existing dwelling on the site through to the properties to the east along Western Parade."* By reference to the comparative plans and the further analysis in the Design Statement of Case, it is apparent that the officer's concerns are misguided. The proposed dwelling is respectful of the siting of neighbouring dwellings, particularly to the west (no.74), where the appeal dwelling will not project further forward than the existing conservatory extension on its southern side. The siting of the appeal scheme is also comparable with the layout of dwellings to the east along Western Parade providing an appropriate transition in the set-back of buildings. Paragraph 7.10 of the OR confirms that the main façade of the appeal scheme dwelling would be 10m from the southern boundary and that this distance results in a *"...significant forward siting, failing to respect the established building line which would add to the prominence of the dwelling and its apparent bulk when viewed from both the south or either side."* As is evident by reference to the Design Statement of Case at Appendix 2, the siting of the appeal scheme dwelling would still result in a gap of 10.3 metres to the southern boundary at ground floor level and up to 12.45 metres at first floor level. The extent of setback between the appeal dwelling and the southern boundary is more than sufficient to ensure that any users of the foreshore would not perceive any harm either in terms of massing, visual dominance or general scale. Similarly, side views of the proposed dwelling would not be impacted in terms of scale and dominance. The appeal dwelling would be positioned approximately 5 metres from the western boundary and 4 metres from the eastern boundary. The height and scale of the appeal dwelling, will not be perceived as

significant from either side, given the low profile of the building, owing to the use of a flat roof. This is evident in the visual perspectives set out at Section 15 and on pages 49 and 50 of the D&AS. Furthermore, the retention and reinforcement of planting along the southern boundary of the appeal site further limits any visual harm.

- 5.8 Importantly, Policy CS16 of the HBCS confirms that planning permission will be granted for development that is to a high standard. Criterion (c) of the Policy requires developments to demonstrate that the design “...uses the characteristics of the locality to help inform the design of the new development including heights, massing, existing building lines...”. In the light of the above it is considered that the siting of the appeal scheme complies with Policy CS16 and is wholly appropriate, respects the general building line of nearby dwellings, and would have no discernible impact in terms of scale, mass or bulk from either a public or private vantage point.

Design Review Panel

- 5.9 From the outset the Appellant has sought to ensure that the design rationale for the appeal site was based on a clear understanding of the context, character and setting of the site. The concept and brief for the design was to replace the current derelict dwelling with a highly sustainable family home. The brief also sought to ensure that the design of the dwelling, while being respectful of its surroundings, took advantage of its waterside position and added to the character and quality of the area through a striking and beautiful design with sustainability at its heart.
- 5.10 The design approach was aimed at delivering a high quality family home that took advantage of the site’s coastal location, retained and enhanced the outdoor space, and delivered a suitable level of accommodation to address the Appellant’s family needs. Underpinning this approach was a thorough analysis of the site and its setting, the constraints afforded by the neighbouring AONB and foreshore position, the existence of trees within the site and the scale, massing and disposition of neighbouring buildings around the site.
- 5.11 In understanding the context of the site, it was apparent that the locality has no distinguishing features or architectural character that would inform the building design. The location, with waterfront views, is of course the most attractive element of the surrounding area, and it is in response to this relationship that the dwelling’s overall design concept flourished. Indeed, it will be apparent from a site visit that almost all of the houses along Western Parade respond to their waterside setting.
- 5.12 Locally, particularly along Western Parade, dwellings have been replaced with larger more substantial 2-storey buildings. None of these are particularly remarkable in design terms but have been designed and developed having regard to their particular site constraints and therefore the design response reflects that relationship. In comparison to many of the plots along Western Parade, the appeal site is a wider double sided plot, facing the foreshore and Beach Road and therefore needs to respond to these public views. Scale, form, massing and materials are therefore important components to be considered in the design process.

- 5.13 From the early stages of the design concept for the site, the Appellant and their design team paid due regard to the need for any design solution to be responsive to the setting of the site. Extensive pre-application engagement was undertaken, both with the LPA and subsequently with the Design Review Panel (DRP). The pre-application submission was initially made to Havant Borough Council in September 2022 with comments provided in October 2022. As a consequence of those comments received, the design was further refined and amended and formally submitted to the DRP in January 2023. Comments were subsequently made by the DRP which required further amendments to the design. The DRP reviewed the design for a second time before providing their support for the scheme in June 2023, prior to the submission of the appeal scheme to the LPA.
- 5.14 Having regard to the above, it is evident that the design approach has evolved over time with extensive input from professionals at all levels from both the Appellant's side and independently via the DRP. The issues raised at the pre-application stage and throughout the assessment of the scheme by the DRP were fully addressed and set out in a detailed updated design response contained in Sections 7-10 of the D&AS. Notably, however, the Council has at no stage sought either internal or external design advice to support its allegations of the poor design and impact of the development and subsequent refusal of planning permission on design grounds. This is specifically advocated by paragraph 138 of the Framework.
- 5.15 In terms of the overall design proposed, the DRP confirmed that *"...the Panel is supportive of the building and landscape design proposals, which it is considered are of a high design standard and which seek to incorporate high levels of sustainability. The Analysis and updated design response are well considered and clearly communicated, which is welcomed by the Panel."* In relation to matters of siting of the proposed appeal scheme, the DRP comments that *"...the reduced footprint, since the previous design review panel session, is welcomed and allows the proposed dwelling to sit more comfortably within the site..."*. In relation to neighbouring dwellings the DRP comments confirm that *"...the first floor building line has been brought back in line with the footprint of No.74 which appears more comfortable. The 22.5m separation distance between the first floor and 72 Warblington Road is felt to be adequate in a semi-urban development setting and the Panel does not have any concerns in this regard. The reduction in the widths provides greater separation to the site boundaries and neighbouring properties...overall the reduction in footprint and mass allows the proposal to sit more comfortably alongside neighbouring properties, and within the site boundary."*
- 5.16 While the Panel provided further advice on the extent to which further details within the application should be better explained, it concluded that *"...the principle of the proposals is acceptable, and the proposals are supported as the design is of high quality, contextually appropriate and overall represents good architecture with admirable sustainability aspirations."*
- 5.17 Given the level and quality of design, coupled with the comments provided by the Design Review Panel it is considered that the design rationale for the appeal site is fully justified and appropriate to its context. No evidence has been advanced by the Council on design specific grounds to demonstrate that the approach adopted is to be deemed harmful to the character

of the area or nearby dwellings. The site analysis undertaken by the Appellant's design team has carefully assessed the height and disposition of existing buildings, retaining building heights within the prescribed limits. The scale of the appeal scheme would not be visually dominant or overbearing, and the horizontal profile of the dwelling would be appropriate for its foreshore location. Furthermore, the appeal scheme was supported by a Daylight and Sunlight Report to demonstrate that there would be no adverse impact in this respect on neighbouring amenity. There is nothing within the OR that counters the design credentials of the appeal scheme or demonstrates that the findings of the DRP are fundamentally flawed. Instead, the OR simply dismisses the findings of the DRP report and LVA, while providing no alternative detailed design or landscape analysis to demonstrate harm. The OR sets out at paragraph 7.14 that having regard to paragraph 138 of the Framework, *"...this single replacement dwelling proposal is not a significant project and the Design Review Panel is not sourced by the LPA. Therefore in this instance it is not considered that the content of the applicant provided Design Review can be attributed significant weight. Rather a silhouette comparison as required by adopted policy should be given far greater weight as a tool to assess the design."* This is the extent of the Council's evidence in relation to design matters.

- 5.18 A suggestion that a single design tool that considers the silhouette increase of a building should be the basis of assessing the overall design of the appeal scheme is simply wrong in the circumstances. Both the design analysis by the architect and the assessment by the DRP, along with the full LVA, goes much further in assessing the appeal scheme, and is a more informed basis upon which to analyse and assess the design and any consequential impact on the area. The approach adopted by the Appellant has carefully considered the impact of the development in terms of its local setting and within the wider landscape of the adjacent AONB. No harm arises to the character and appearance of the AONB sufficient to weigh against the appeal scheme in the planning balance. The Appellant's evidence has all been undertaken using a rational and structured methodology and analysis, with careful regard to the setting of the site adjacent to the AONB. The findings of all the submissions acknowledge the high quality credentials of the design approach, and how it relates both to the adjacent AONB and the character of the area more generally. As such, and in the absence of any evidence to the contrary, they carry significant weight in the planning balance.

Impact on the Setting of the AONB

- 5.19 The setting of the AONB is largely defined by the open character of the harbour and not the buildings that lie adjacent to it. Paragraph 182 of the Framework gives significant weight to the preservation of the setting of the AONB with the aim of avoiding or minimising adverse impacts. Views into the AONB will not be affected as a consequence of the appeal scheme and views out of it, towards the appeal scheme, are limited and will be seen in the context of an urban fabric.
- 5.20 The OR at paragraphs 7.13 and 7.14 places great weight on the appeal scheme's location adjacent to the AONB, highlighting that the site impacts on the setting of the AONB. As such, there should be significant weight placed on an assessment of the schemes compliance with Policy 12 of the HBCS, Policy 2 of the Chichester Harbour AONB Management Plan (2019-

2024) and the Chichester Harbour Planning Principles (2019-2024). With the exception of the Core Strategy, these documents are intended to guide development more generally. The Council has produced the Chichester Harbour Area of Outstanding Natural Beauty Joint Supplementary Planning Document. This was adopted as SPD by the Council in July 2017. Fundamentally, the guidance documents relate to development proposals within the AONB and do not apply to developments that lie outside the AONB boundary. The introductory paragraph to the SPD confirms at paragraph 1.1 that “...*this document provides guidance for development proposals in the Chichester Harbour Area of Outstanding Natural Beauty (AONB), within Chichester District and Havant Borough...*”. Whilst there is an emphasis on ensuring that development on the edge of the AONB preserves and enhances the natural beauty of the AONB, this is as far as the advice extends. The submitted appeal scheme lies outside the AONB but has nevertheless demonstrated that any harm to the setting of the AONB has been carefully considered and assessed and no harm, sufficient to warrant a refusal of planning permission, has been identified.

- 5.21 The OR goes on to state that as a consequence of the site's location adjacent to the AONB a silhouette comparison is required by Policy PP03 of the Chichester Harbour Planning Principles which is concerned with replacement dwellings. The Council asserts that this requires no increase in size or mass to exceed 50% of the footprint of the dwelling, and a limit of 25% to the elevation silhouette. The reasoned justification for the policy confirms that “...*the pressure for the construction of more substantial dwellings through replacement or extension has become a dominant force in changing the landscape of the AONB.*” The policy goes on to advise that “...*the Conservancy is aware that small scale incremental changes can have cumulative impacts on the AONB...*”. Reference here to the application of the policy is clearly in relation to development that falls within the AONB. However useful the silhouette analysis may be, it does not apply to development proposals that lie outside or on the edge of the AONB boundary such as the appeal site. As such the appeal scheme does not fully fall within the remit of the AONB guidance. Notwithstanding this position, the SPD advises at paragraph 2.3 that “...*as a general principle of design in the environment, all proposals should be informed by a clear process of contextual analysis, understanding the site, its features and surroundings. More particularly for the AONB, this will include an understanding of where the finished development will be seen from in the wider landscape, whether on land or water.*” Paragraph 2.4 goes on to reaffirm that “...*overall, it is the natural landscape and trees/vegetation which should predominate in rural/coastal locations*”. To reinforce the application of the guidance to development proposals, paragraph 12.3 confirms that “...*the acceptability of any increase in size (whether within the guidance limits or not) will be dependent on whether the site can accommodate the increase while still respecting local character by reflecting the surrounding pattern of development and spaces between buildings...*”. Paragraph 12.4 goes on to advise that “...*acceptability will also depend on the setting of the site within the landscape, and the design, materials and finishes employed. Larger replacement dwellings or extensions will require careful thought about siting, silhouette, facing and roofing materials, including their colour and shade, height, massing and articulation, particularly of roof lines.*” Having regard to the above the submissions made in respect of the appeal scheme gives rise to no conflict with the guidance set out within the SPD.

- 5.22 The impact of development upon the AONB is considered under the remit of Policy CS12 of the adopted Core Strategy. Policy CS12 sets out that development that lies within the setting of the AONB should conserve and enhance the landscape of the AONB. It confirms that development will be permitted where (amongst other matters) it:
- Carefully assesses the impact of individual proposals, and their cumulative effect, on the Chichester Harbour AONB and its setting.
 - Conserves and enhances the special qualities of the Chichester Harbour AONB
 - Meets the policy aims of the Chichester Harbour AONB Management Plan
- 5.23 In addressing the above requirements, the submitted scheme was accompanied by a detailed Landscape and Visual Appraisal and full Design and Access Statement (D&AS). The LVA confirms that the site falls within National Character Area (NCA) 126 - South Coast Plain which has a range of characteristics as set out at paragraph 4.1.4 of the LVA. Importantly, one of the key characteristics recognises that “...the area has significant urban development, with settlements along the coastline dominated by the Portsmouth conurbation, suburban villages and seaside towns...”. Paragraph 4.1.5 of the LVA confirms that the NCA covers a relatively wide and diverse area, exhibiting very few of the key characteristics of the NCA.
- 5.24 Further landscape assessments of the area are set out within the Hampshire Integrated Character Assessment, which provides a greater level of landscape detail at the sub-regional level. The site falls within landscape character type (LCT) Coastal Plain Open. The key characteristics of this landscape are set out at paragraph 4.1.7 of the LVA. Most notably, the character of the landscape comprises:
- Extensive and flat or gently sloping plain
 - Some of the most densely developed areas in Hampshire occur in this landscape
 - Big skies and flat horizon to the south dominates.
- 5.25 The LCT is further broken down into Landscape Character Areas (LCA) with the site falling within LCA 9(g): Havant and Emsworth Coastal Plain. One of the characteristics of this LCA is the acknowledgement of good access for walkers down to the harbour shore. This is typified by the presence of the Wayfarers Walk – footpath 108/56/3 which lies between the southern boundary of the site and the foreshore. The Wayfarers Walk is assessed within the LVA (viewpoint 1) and identified as having high sensitivity of visual receptors due to users of the PROW.
- 5.26 The LVA confirms at paragraph 5.1.6 that the visibility of the site is dependent on a range of factors, including location of the viewpoint, distance of view, the angle of the sun, time of year and climatic conditions. The backdrop to the site is also an important consideration in the context of its urban setting. In assessing the views from key vantagepoints, the LVA confirms the following in respect of viewpoint 1:
- Viewpoint 1 – View from Beach Road/Wayfarers Walk** – from here the appeal scheme would be perceptible as is the current dwelling and its boundary enclosure, road and other dwellings.

The adjacent properties sit higher in the view than the present dwelling on site. Mature trees, that sit within curtilages along Beach Road, form additional visual filters that break up views of dwellings and soften the streetscape even in the short range views. From this viewpoint, the replacement of the existing dwelling will be perceptible, but the change will be similar to the current character of the view. The replacement dwellings roofline will sit slightly higher than the current dwelling due to flood measures, but other dwellings already sit higher in the view. The magnitude of change is deemed 'small'.

- 5.27 The Council in the OR at paragraph 7.15 criticises the Appellant's LVA and the viewpoints selected on the basis that only 4 viewpoints were assessed – one close from the east (viewpoint 1) and the other 3 all long distance views. The OR confirms that *"...at such long distances the whole shoreline blends with the backdrop of mature vegetation and the report unsurprisingly concludes only a minor visual effect would result"*. The OR goes on to state that the *"...report fails to consider closer views from the public footpath directly to the south of the property, or for users of the beach outside the site, or shallow water users e.g. paddle-boarders and dinghy sailors. It is considered that the view of the site from these foreshore and water locations within the AONB would be materially harmed by the massive change in profile of the dwelling."* Having regard to the assessment of Viewpoint 1 this statement in the OR is clearly incorrect.
- 5.28 The Council offers no evidence in support of the statement that *"...the AONB would be materially harmed by the massive change in profile of the dwelling..."*. They have not undertaken their own landscape assessment or sought to professionally challenge the Appellant's landscape evidence. Contrary to the stated position in paragraph 7.15 of the OR, viewpoint 1 adequately assesses the impact of the development from the public vantagepoint to the south and east of the appeal site, along Wayfarers Walk. Furthermore, it should be noted that the front façade of the proposed dwelling would lie approximately 23m from the beach area immediately to the south of Wayfarers Walk, a substantial distance and sufficient enough not to cause any harm by reason of mass or scale to users of the footpath, beach or water. In the absence of any evidence to the contrary the LVA concludes that while the sensitivity of the visual receptor from Wayfarers Walk would be 'high' the magnitude of change would be 'small' any harm to users of the footpath would be 'small'. The same conclusion can be reached in respect of views of the site from the beach or generally in public views towards the appeal site. Having regard to the above there would be no conflict with Policies CS11 or CS12 in terms of the development's impact on the AONB or the wider landscape of the area.
- 5.29 We note that the Council's Landscape Officer in their consultation response objected to the design. They advance that the *"...roof style and number of floors is not in keeping with the existing built form which consists of pitched roofed 1.5 storey dwellings and at present the design is deemed to be contrary to planning policy CS16."* The Landscape Officer also suggests that the scheme is contrary to HBC design guides. These views are reflected in the reason for refusal. A visit to the site and surrounding area would demonstrate that the character of the area is varied. A review of the supporting material that set out a thorough site analysis and contextual assessment, as well as the very detailed LVA, would similarly show how the scheme has responded to local features, landscape and the AONB setting. There is no sound planning

basis for the comments made. Moreover, the landscape officer's assessment of the local context is evidently not sufficiently thorough and fails to conform to the character assessment of the settlement set out within the NCA, LCT and within the Neighbourhood Plan.

Design Considerations

- 5.30 The introduction of a contemporary design for the site is not out of character, particularly when there is no distinct character to emulate. The mere fact that houses typically possess pitched roofs should not dictate that all new development should mimic this style of construction. Indeed, in many cases the addition of pitched roofs can augment the visual impact of a building by increasing their height, mass and bulk. Adding PV panels on pitched roofs can also increase their prominence when compared to flat roofed buildings. Pitched roofs are, therefore, not appropriate in all circumstances. Furthermore, modern flat roofs do not possess the same maintenance issues of old, with the use of modern materials and construction techniques, flat roofs are designed and specified to high standards with minimal maintenance.
- 5.31 At the application stage the design rationale and the contextual analysis that led to the appeal scheme was fully explained within the D&AS. A detailed analysis of the height and layout position of housing along the foreshore was also identified and assessed, with the scheme design responding to these constraints. Furthermore, a detailed analysis was undertaken of the building form and style locally and these are addressed within Sections 5 and 6 of the D&AS. In essence, a very thorough assessment of the site's character and context was undertaken to inform the design approach. The mere fact that the proposed dwelling possesses a flat roof and is designed in a contemporary form, does not render it contrary to Policy CS16 or the Council's design guidance. To vehemently state that the replacement building should be pitched roofed and 1.5 storeys in height (as stated by the Council's Landscape Officer) fundamentally fails to have regard to any design aspirations to help enhance the character of the area. Indeed, Policy CS16 requires new development to respond to and draw inspiration from existing natural features and local character, integrate with local landscape features, use the characteristics of the locality to help inform the design of the new development, and not cause harm to amenity. The appeal scheme accords with these objectives. Furthermore, the policy encourages development that mitigates negative environmental impacts through sustainable design and construction methods and resource efficiencies. In this respect the dwelling is designed to PassivHaus standards with exceptional sustainability credentials and will deliver an 85% reduction in operational carbon when compared to an average new build home. As set out within the D&AS the design incorporates an array of sustainable features and is an innovative replacement dwelling that significantly exceeds the Council's stated sustainability requirements. The appeal scheme aspires to be one of the country's most sustainable and environmentally friendly low-carbon building in the Borough, whilst also raising the standard of design locally. Accordingly, there is no conflict with Policy CS16 as a result.
- 5.32 Paragraph 133 of the Framework confirms that all local planning authorities should prepare design guides or codes consistent with the principles set out in the National Design Guide and National Model Design Code, and which reflect local character and design preferences. The paragraph confirms that in developing design guides and codes, *"...the level of detail and degree of prescription should be tailored to the circumstances and scale of change in each place and should allow a suitable degree of variety."*

- 5.33 Paragraph 135 of the Framework, in particular, is concerned with design matters and requires that planning policies and decisions should (amongst other matters) ensure that developments:
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change;
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.
- 5.34 The appeal scheme accords with both paragraphs of the Framework, delivering a high quality development, that is visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
- 5.35 Paragraph 139 confirms that significant weight should be given to:
- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
 - b) outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 5.36 This design advice is further expanded upon within the National Design Guide which at paragraph 44 emphasises that well-designed places “...do not need to copy their surroundings in every way. It is appropriate to introduce elements that reflect how we live today, to include innovation or change such as increased densities, and to incorporate new sustainable features or systems.” Paragraph 45 goes on to advise that in proposing innovative design solutions it is important to communicate the benefits of the scheme and how the design of the development relates to context and local character.
- 5.37 The appeal scheme fully accords with national planning policy advice and has taken into account fully the advice set out within the National Design Guide. In formulating the design solution for the site, the character and context of the surrounding area has been carefully considered and a suitable contemporary, highly sustainable design proposed that positively responds to the setting of the site. This approach is fully supported by national planning policy, adopted development plan policy (CS16) and adopted supplementary planning guidance.

Neighbourhood Plan

- 5.38 The reasons for refusal cite conflict with the Emsworth Neighbourhood Plan 2019-2036 (ENP) and in particular policies D1, D2 and D7. The ENP was made in September 2021, but the adopted Core Strategy is time-expired having been adopted in 2011. In addition, Havant Borough Council cannot currently demonstrate a 5-year supply of deliverable housing land and has withdrawn its emerging Local Plan from Examination. As such the presumption at paragraph 11(d) applies to all applications involving the provision of housing. In those circumstances the weight to be attached to policies within the Neighbourhood Plan diminish where it does not contain policies and allocations to meet its identified housing requirement.
- 5.39 Through the preparation of the Neighbourhood Plan very careful consideration has been given to the character and context of settlement pattern of Emsworth. In particular, the ENP pays specific attention to the character and context around the appeal site, confirming in Figure 8 within the ENP that the site is characterised as part of a “*residential neighbourhood*”. The coastal path comprising the Wayfarers Walk is identified as an important component of the setting of the waterfront which stretches for around 4km. The route of the path is shown in Figure 9 and described within the ENP as making for “*...an interesting walk, with different types of environment encountered along the way...*”. Key focal points are identified in Figure 10 of which Warblington Road junction with the foreshore is identified as one, along with Western Parade. Here the ENP sets out that “*...points of interest along the coastal path make for a pleasant and more engaging walk...as one moves along the path, the series of views give changing perspectives on the waterfront. The different types of location include the urban landscape, the meeting of roads and water, boats moored and moving, and where views of the land and sea can be glimpsed from different angles.*” Here, views are predominantly coastal, rather than landward.
- 5.40 Policy D1 of the ENP is a general design policy and requires all new development and redevelopment to be of a high quality, in accordance with the other policies within the ENP. It requires the impact of any development, along with landscape mitigation measures to be specified within the Design and Access Statement and all development should have regard to the design checklist in the ENP. Policy D2 is concerned with matters of height, massing and materials. It requires all new development to enhance the character of the area and be appropriate in height, mass and materials. It goes on to advise at criterion (a) that “*...in most cases, this will mean buildings constructed or clad in materials typical for the area with any pitched roofs being of slate or tile.*” Criterion (b) goes on to advise that “*...other than in exceptional circumstances, new buildings should be no more than three storeys in height, including the use of the roof to provide for up to four floors of useable space.*” These stated storey heights far exceed those proposed by the appeal scheme. Furthermore, the ENP does not require that roof forms should be typically pitched.
- 5.41 Having regard to both policies D1 and D2 the appeal scheme gives rise to no conflict with either policy for the reasons already set out in previous sections of this Statement of Case. In terms of the Design Checklist, this is set out within the ENP (page 68) and confirms in the introduction to the section that “*...much of this section of the Neighbourhood Plan is based on the Emsworth Design Statement that was published in 2008...*”. The introduction goes on to advise that “*...it*

is not possible within the Neighbourhood Plan to focus in detail on individual features, properties, or streets in the same way a design brief or planning application can.” The Design Checklist then proceeds to run through a raft of design topics. We have drawn on a selection of relevant comments from the checklist below:

Layout and Integration

- New buildings should be well-integrated and become part of a unified and interrelated composition, both with other buildings on site and with existing buildings adjacent to the site. This is particularly important in mixed-use developments that combine living and working.

Street Scenes

- Street scene illustrations of a new development project help establish its overall impact on the surroundings, particularly the Emsworth skyline, and are to be encouraged with all planning applications;

Building Lines and Street Design

- The existing building and garden frontage lines and the balance of hedges, fences, mature trees and verges are to be respected;

Construction, Materials and Build Quality

- The build quality of new developments, and the materials selected as part of the construction process, should ensure a high standard of appearance over time.

Rooflines and Skylines

- The local character of Emsworth is typically defined by architecture of three storeys or less. New buildings should generally keep to this height while also being designed to respond to the surrounding context, thus visually creating a more integrated and seamless addition to the town.
- Silhouettes, including the roof line/skyline, which integrate well with the surrounding buildings and the existing skyline will be supported.
- Flat roofs can create maintenance issues and are considered to be out of character in Emsworth and should be avoided.

Density and Scale

- New buildings should be in scale within the context of the surrounding buildings and located where they will not overwhelm their surroundings.

Resource Efficiency

- Measures to help conserve water and energy in new buildings will be encouraged.
- New development should seek ecological enhancement to the immediate area, such as provision for bird and bats to be safely incorporated into new buildings.
- New buildings are to use local construction materials, and reflect local building traditions, with materials obtained from local sustainable sources.

Elevation and Decoration

- Window and door openings should be in proportion to the buildings themselves, as well as reflecting the overall setting.
- Focal points and elements of surprise which enhance character and identity will be supported

- 5.42 It is noted that the guidance upon which the checklist is based is now over 16 years old and both building design and construction techniques have moved on significantly in this time. The relevance of significant aspects of the checklist to modern day development proposals is therefore questionable. Nevertheless, from a review of the above comments, it is apparent that there are a number of aspects within the checklist that lend support to the appeal scheme. Building heights, for example, at three storeys or higher are notably taller than that alluded to by the Council as being acceptable. Indeed, buildings of three to four storeys in the vicinity of the appeal site are not uncommon. What can be drawn from this checklist is that the appeal scheme does not conflict with its objectives and fully accords with a number of the guidelines.
- 5.43 Policy D6 within the ENP is particularly concerned with resource efficiency. The policy advocates the delivery of the ENP's sustainable goals by seeking that all new development should minimise the carbon footprint of the neighbourhood area through the promotion of good design. The policy goes on to advise that this approach will *"...particularly apply for developments on sites on sites on or adjacent to the Emsworth waterfront and in areas adjacent to the open countryside."* In preparing development proposals, the policy requires applicants to give consideration to:
- High levels of energy conservation in the construction of new buildings;
 - Integration of rainwater capture and grey water recycling technologies;
 - The use of local building materials;
 - Minimising the amount of impermeable ground cover;
 - The use of sustainable on-site energy sources, including solar, wind, ground source heat pumps; and
 - The inclusion of solar panels on roofs that can maximise the capture of solar energy will be supported.
- 5.44 The appeal scheme draws full support from the above policy, incorporating all of the requirements in the design approach for the site.
- 5.45 Policy D7 is concerned with light pollution requiring that in all development it should be minimised, particularly adjacent to the Emsworth waterfront. The policy is specifically concerned with outside lighting rather than indoor lighting. Its relevance to the appeal scheme is limited, since any outdoor lighting can be appropriately controlled through the imposition of conditions. Whilst it is noted that the site's location adjacent to the AONB should avoid unnecessary light pollution, the appeal scheme has addressed this through a supporting light pollution assessment. Furthermore, buildings with large levels of glazing are not uncommon in such locations. The appeal scheme's ground floor windows have integrated external blinds and will be heavily filtered by existing and new boundary planting. In addition, the first floor overhang will minimise any outward light spill from the ground floor rooms. First floor windows are protected by the roof overhang and sliding screens also break up the extent of glazing when viewed from the harbour. The integrated terrace planter acts to significantly reduce the visible extent of glazing fronting the foreshore. The use of innovative design techniques directly

responds to the context of the site. Overall, the harm arising from any visible light from the upper floor accommodation will be set some distance from the harbour waterfront such that it will not have any discernible impact in the context of the urban setting of the site and the backdrop of built form to the north of the appeal site. For the reasons set out above, the appeal scheme finds no conflict with policy D7 of the ENP.

Residential Amenity

- 5.46 The second reason for refusal sets out that the scale of the contemporary flat roof two storey design would have an adverse impact on the outlook of neighbours at 72 and 74 Warblington Road, reducing their skyline and open aspects. The reason goes on to record that “...*the incongruous bulky design, including ancillary roof paraphernalia in the form of solar panels and rooftop addition, would also be harmful to the outlook of other neighbours in the wider context.*”
- 5.47 No. 72 Warblington Road, which lies to the north of the appeal site, is a three storey property with its third floor contained within the roof with a large full length flat roof dormer window. The property currently looks directly across and into the appeal site. The OR at paragraph 7.19 confirms that the loss of a view cannot be considered a material impact. However, the occupiers of No. 72 would not lose a view, as this would still be retained obliquely across Beach Road and would not be impacted by the appeal scheme. This is clearly demonstrated within the visualisation produced in the Design Statement of Case. It is acknowledged that some loss of view and outlook will arise directly southwards, there is no harm in terms of loss of amenity, scale or dominance. Any harm arising as a consequence of a loss of outlook can only be afforded very limited weight. The submitted D&AS at section 12 sets out a very compelling analysis of the comparative impact of a pitched and flat roof replacement dwelling on the appeal site. What is evident from this analysis is that the harm to the outlook from No.72 would be more significant as a consequence of a standard 2-storey pitched roof dwelling when compared to the appeal scheme.
- 5.48 The Council also make an issue of the impact of views of the “*roof paraphernalia*”, namely the solar panels and rooflights, both of which are required to ensure the dwelling meets PassivHaus standards. The flat roof design and construction detailing is designed to discretely hide the solar panels in a way that would be impossible with a pitched roof. The design rationale employed in the appeal scheme is about integrating the renewable energy technology into the fabric of the building, to deliver an overall sustainable energy performance system which includes ground/air source heat pumps and batteries. Flat roof designs are far more effective in delivering these sustainable opportunities without impacting upon the overall design quality of the development or the sensitive setting of sites. These would be set within a parapet roof, and therefore partly screened in any event. That said, the current occupiers already look across the current roofscape of the appeal site. Appropriate landscaping within the site can assist in mitigating any perceived harm in the long term. However, that harm is not deemed to be significant, and is not uncommon in an urban setting. Furthermore, the distance between the elevations of No. 72 and the appeal scheme would be approximately 22m, which is a normally accepted distance between flank walls in urban areas.

- 5.49 Concern has been raised in respect of loss of amenity to the residents of No. 74 Warblington Road as a consequence of potential overlooking from a proposed first floor balcony. From the main first floor living area of the appeal scheme, there is approximately 11 metres from the furthest elevation to the western boundary of the appeal site. This reduces to approximately 5 metres in relation to the closest part of the main western elevation. There is one small window proposed to the west elevation at first floor level and this can be appropriately conditioned to be obscure glazed. The closest point of the proposed balcony would be around 11 metres from the boundary and over 22 metres from the main flank wall of the southern projection of No. 74. As such, the position of the appeal scheme on the site would not result in overlooking of No. 74 or give rise to harm by way of scale or dominance. An opaque glass screen is shown on the western elevation to minimise any perception of overlooking. Should there be concern in relation to the balcony an appropriate condition can be imposed requiring details of a balcony screen to be submitted and approved prior to the occupation of the dwelling.
- 5.50 While it is acknowledged that the appeal scheme will result in a change to the character of the site, it is not considered that the proposal will give rise to loss of outlook or impact in terms of scale and dominance or limit views across the harbour for nearby residents. Accordingly, no harm to amenity arises as a consequence of the appeal scheme sufficient to warrant a refusal of planning permission.

6 CONCLUSION

- 6.1 The appeal site comprises the domestic curtilage of an existing 5-bedroom chalet style dwelling, located on Beach Road at its junction with Western Parade, Emsworth. The appeal site extends to approximately 0.1ha and is contained to its boundaries by a mix of natural hedgerows, fencing and brick walling. Residential development lies to the north, east and west of the appeal site and comprises a mix of single, chalet, two and three storey housing. The wider context to the east along Western Parade comprises more contemporary replacement dwellings and a mix of architectural styles and materials. Building scale ranges from single storey to two-storey dwellings, with no defining character, style or design form. There are examples of three-storey dwellings along Warblington Road.
- 6.2 The appeal site lies within the settlement boundary of Emsworth. There are no listed buildings in the vicinity and nor is the site within a Conservation Area or area of special character. The appeal site lies outside but adjacent to the Chichester Harbour AONB and SSSI; the Chichester and Langstone Harbours RAMSAR and SPA; and the Solent Maritime SAC. The southern part of the appeal site falls within Flood Zones 2 and 3 and the entire site falls within the future flood zone.
- 6.3 The application was originally refused planning permission for two reasons. The Council alleges that the “...scale of the contemporary flat roofed two storey design, and forward siting of the proposal would fail to respect the pitched roof character and context of the site, and established building line and therefore detracts from the appearance and spatial characteristics of the locality. The incongruous, overly bulky and dominant form of development with full height glazing at first floor would have an adverse visual impact on the wider landscape and setting of the adjacent Chichester Harbour AONB. It has not been adequately demonstrated that the increased silhouette of the proposal would meet policy PP03 of the Chichester Harbour AONB Planning Principles. By virtue of the scale of the contemporary flat roofed two storey design, and forward siting of the proposal, the development would have an adverse impact on the outlook of neighbouring residents at 72 and 74 Warblington Road, reducing their skyline and open aspects. The incongruous bulky design, including ancillary roof paraphernalia in the form of solar panels and rooftop addition, would also be harmful to the outlook of other neighbours in the wider context”. Accordingly, the proposal is contrary to policies CS11, CS12 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011; Policies D1, D2 and D7 of the Emsworth Neighbourhood Plan 2019-2036; Policies 1 and 2 of the Chichester Harbour Management Plan Third Review 2019-2024, and Chichester Harbour Area of Outstanding Natural Beauty Joint Supplementary Planning Document 2017 and the National Planning Policy Framework, December 2023.
- 6.4 Evidence submitted as part of the application in the form of a detailed Design and Access Statement, Landscape and Visual Appraisal and Planning Statement, all confirmed that the appeal scheme would not give rise to harm to the character of the area. The evidence set out within this Appeal Statement of Case, together with the additional Design Statement of Case

reinforces this position. No conflict with adopted planning policies within the Core Strategy, Emsworth Neighbourhood Plan or supplementary planning guidance arises. The character and context of the site has been carefully assessed along with the appeal schemes impact on the setting of the AONB and the wider landscape within it. No harm has been found sufficient to warrant a refusal of planning permission.

- 6.5 The appeal scheme has also been independently reviewed by the Design Review Panel and their comments and recommendations taken into account in the scheme design. The Design Review Panel lent its full support for the appeal scheme, but that support along with the landscape assessment work undertaken by the Appellant has been dismissed by the Council.
- 6.6 In determining the application the Council sought no independent design or landscape advice to support its objections to the appeal scheme. No evidence has been put forward to justify the grounds for objection to the appeal scheme. In the absence of any evidence to the contrary the Inspector is invited to accept the findings of the Appellant's Design analysis, the assessment of the appeal scheme by the Design Review Panel and the conclusions of the landscape and visual appraisal. The findings within these documents carry significant weight in the determination of the appeal.
- 6.7 The appeal scheme results in a design solution for the site that is highly sustainable, of exceptional design quality and uses high quality materials. It is an appropriate design response to the context of the site, both in its siting and relationship with neighbouring buildings and in terms of its scale, mass and disposition within the site.
- 6.8 The appeal scheme gives rise to no harm to visual amenity and results in no adverse harm to neighbouring amenity.
- 6.9 For all the reasons set out in the Statement of Case and the appended Design Statement of Case, the appeal scheme finds no conflict with policies of the adopted Core Strategy, Neighbourhood Plan or supplementary design guidance. The site's location outside, but on the edge of the AONB, also gives rise to no conflict with the Chichester Harbour AONB guidance.
- 6.10 The appeal scheme will provide an opportunity to deliver a benchmark development in design and sustainability terms without causing harm to the character of the area. For all the reasons set out herein, the Inspector is respectfully requested to allow the appeal.

APPENDICES

Appendix 1

The Design Review Panel

www.designreviewpanel.co.uk



Site	Creek Cottage, 41 Beach Road, Emsworth, PO10 7HR
Proposal	Demolition of existing dwelling and replacement with sustainable modern dwelling (Use Class C3), incorporating an annex, garaging, landscaping and associated works.
Local Authority	Havant Borough Council
Applicant	Mr Michael Hughes
Agent	Atlas Planning Group
Architects	OB Architecture
Review Date	26 th June 2023

This remote desktop design review was booked by Atlas Planning Group. This is the second time the Panel has reviewed this project; a previous session which incorporated an in-person site visit was carried out on the 18th January 2023.

The information presented for review is considered to have been clear and professional. This is welcomed by the Panel and this presentation material is of benefit to the design review process.

Paragraph 133 of the National Planning Policy Framework (NPPF) states: -

“Local planning authorities should ensure that they have access to, and make appropriate use of, tools and processes for assessing and improving the design of development. These include workshops to engage the local community, design advice and review arrangements, ... In assessing applications, local planning authorities should have regard to the outcome from these processes, including any recommendations made by design review panels.”

Therefore, the Panel provides the following feedback: -

Overall, the Panel is supportive of the building and landscape design proposals, which it is considered are of a high standard and which seek to incorporate high levels of sustainability. The analysis and updated design response are well considered and clearly communicated, which is welcomed by the Panel.

The Design Review Panel

www.designreviewpanel.co.uk



The reduced footprint, since the previous design review panel session, is welcomed and allows the proposed dwelling to sit more comfortably on the site. It is noted the first-floor building line has been brought back in line with the footprint of No.74 which appears more comfortable. The 22.5m separation distance between the first floor and 72 Warblinton Road is felt to be adequate in a semi-urban development setting and the Panel does not have any concerns in this regard. The reduction in the width provides greater separation to the site boundaries and neighbouring properties. The proposed internal layout has been developed successfully to provide a more efficient use of space whilst still being generous. Overall, the reduction in footprint and mass allows the proposal to sit more comfortably alongside the neighbouring properties, and within the site boundary.

Notwithstanding the Panel's support for the proposal, there are certain aspects that could benefit from further refinement, and the below comments and suggestions are made in a spirit of helpfulness in an effort to try and improve the proposal further: -

In terms of landscape design, it is noted that the proposal is for a replacement dwelling on a previously developed residential site and as such is a private garden, and the Panel therefore are supportive of the proposals. Notwithstanding this it is suggested that there is the potential for the landscape design to be more in keeping with the receiving environment; in particular the indicated close boarded fence on the garden side of the existing/ rebuilt boundary wall is felt to be a poor detail, and it may be beneficial for this to be proposed as a brick or brick and flint wall (depending on the precise local vernacular) along this frontage that would give the occupants of the property the privacy they require.

The Panel questions if the proposed planting shown on the masterplan abutting Beech Road will deliver the leafy back drop to the Beech Road frontage that is shown on the Proposed Beech Road Section dwg no 387 OBA 00 ZZ DR A 0450 P02.

In accordance with the previous feedback document the Panel again expresses concern regarding the challenge of establishing and maintaining the balcony edge planting.

In terms of the presentation material, it is suggested it may be beneficial to add titles to the photographs to help better understand their content and context. The inclusion of a project brief is welcomed, however this currently appears quite concise, and expanding it, especially concerning the requirement for a BR-AD M4(2): Category 2: Accessible and adaptable dwelling, could be beneficial. An expansion of the brief to illustrate a typical day in the life of the occupants, both in summer and winter, could be insightful for understanding movement patterns, usage, and relationships.

Planning for space for any future adaptation at this stage might be advantageous. A detailed brief may also lead to a more comprehensive initial analysis of "fit". The design may benefit from an overlay to the plan shown to illustrate compliance with the National Space Standards,

The Design Review Panel

www.designreviewpanel.co.uk



including furniture layouts, and compliance with the requirements of BR-AD-M4(2). Without this additional information, there might be reason to believe that the dwelling may not comply.

Adding a "height" scale bar to the side of the sections could enhance the understanding of dimensions.

It could be advantageous to display the site on the provided plan. The notes refer to Area Zone 5, where more detail might be required as this is where the site is located. Similar clarity might be helpful where notes reference pre-app advice in relation to the scheme illustrated opposite, as it is unclear which plan is being referred to.

Regarding the SSSI, SPA, and SAC references, it might be helpful to identify these on the plan, as this may help to demonstrate the extent, location, or potential impact this development will have. To avoid assumptions and provide clarity about what is being observed, annotations could be included.

In terms of sustainability, it is noted that there has been a great deal of work undertaken in this regard with the aim of achieving an exceptional sustainability performance for the proposed dwelling. Notwithstanding this it may be beneficial for further justification to be provided regarding how the sustainability strategy is to be achieved with the proposed aesthetic of the building, and more importantly how the thermal bridge requirements for passive house standards are going to be met; to ensure that the stated aspirations can be achieved.

There are several claims, such as the 85% reduction in operation carbon, that may benefit from substantiation. If a PHPP calculation has been undertaken, including the summary page might be beneficial, and the notes relating to insulation etc could be expanded with detailed specifics, including U-Value of walls, and materials and plant specifications. Representing floor, wall, and roof thickness on plans, sections, and elevations might also be considered.

The analysis addresses solar gain in relation to Passivhaus, however, this approach might be considered out of context and could benefit from a more comprehensive discussion. Evidence of design development beyond the single concept design presented may also enhance the understanding of the project's progression.

The sustainability strategy indicates steel frame roof and wall structure. The design consists of large overhanging protrusions that wrap around the building, which appear like 'smooth concrete finish to horizontal planes. It is currently unclear how the continuous junction around the floor and roof slab will achieve the stringent thermal bridge requirements of passive house standards, especially given the proposed steel construction, which is to be clad in concrete on the outside.

The Design Review Panel

www.designreviewpanel.co.uk



It is suggested that Passive House standards are unlikely to be achieved with a continuous thermal bridge as designed, and the sustainability statement seems to brush over this point rather than address it in any robust manner:

“Thermal bridge reduced design - Defined by the Passivhaus institute as having no installation psi value exceeding 0.01 W/m²K. This is very difficult to achieve in practice, yet our initial THERMmodelling demonstrates that this is possible for all opaque elements of the building.”

This is not to say that the proposal is not highly sustainable, but passive house is likely to be tricky unless a thermal bridge junction can be designed and included within the PHPP.

In conclusion it is considered by the Panel that the principle of the proposals is acceptable, and the proposals are supported as the design is of high quality, contextually appropriate and overall represents good architecture with admirable sustainability aspirations. Setting high sustainability standards is key to good design, but they must be appropriate to the design, form and material selection of the proposals to be achievable; there is a concern that it may not be possible to achieve the aspired to Passive House Premium Certification in the current form, unless further evidence can be provided from the PHPP calculations to demonstrate compliance.

SUMMARY OF RECOMMENDATIONS, (to be read in conjunction with the above)

In summary, the main conclusions of the Panel are: -

- Overall, the building & landscape design proposals are commended for their high standards & sustainability commitment.
- Landscape design could be further harmonized with the surrounding environment.
- Establishing & maintaining the proposed balcony edge planting remains a concern.
- Presentation material could benefit from additional context, including photograph titles & an expanded design brief.
- Additions such as a "height" scale bar & detailed site representation could improve understanding.
- A more detailed depiction of the occupants' daily routines could offer helpful insights.
- Compliance with National Space Standards & BR-AD-M4(2) requirements could be made more explicit.
- Identifying SSSI, SPA, & SAC on the plan could clarify their development impact.
- Sustainability strategy may benefit from further justification, particularly regarding thermal bridge requirements & carbon reduction claims.
- A more comprehensive solar gain analysis & evidence of design development could enhance understanding.

The Design Review Panel

www.designreviewpanel.co.uk



- It may be beneficial to provide clarity on how thermal bridge requirements will be met with the proposed construction materials.
- The principle of the proposals is acceptable, & the proposals are supported as the design is of high quality, contextually appropriate & overall represents good architecture with admirable sustainability aspirations.

The Design Review Panel

NOTES:

Please note that the content of this document is opinion and suggestion only, given by a Panel of volunteers, and this document does not constitute professional advice. Although the applicant, design team and Local Authority may be advised by the suggestions of The Design Review Panel there is no obligation to be bound by its suggestions. It is strongly recommended that all promoters use the relevant Local Authorities pre-application advice service prior to making a planning application. Further details are available on the Council's website. Neither The Design Review Panel nor any member of the Panel accept any liability from the Local Authority, applicant or any third party in regard to the design review panel process or the content of this document, directly or indirectly, or any advice or opinions given within that process. The feedback and comments given by the Panel and its members constitutes the members individual opinions, given as suggestions, in an effort of helpfulness and do not constitute professional advice. The local planning authority and the applicants are free to respond to those opinions, or not, as they choose. The Panel members are not qualified to advise on pollution or contamination of land and will not be liable for any losses incurred by the Local Authority or any third party in respect of pollution or contamination arising out of or in connection with pollution or contamination.

Sui generis

Uses which do not fall within the specified use classes above, including those specifically identified in Article 3(6) of The Town and Country Planning (Use Classes) Order 1987:

(a) theatre, (b) amusement arcade or centre, or a funfair, (c) launderette, (d) petrol filling station, (e) sale or display for sale of motor vehicles, (f) taxi business or business for the hire of motor vehicles, (g) as a scrapyard, or a yard for the storage or distribution of minerals or the breaking of motor vehicles (h) for any work registrable under the Alkali, etc. Works Regulation Act 1906, (i) hostel, (j) waste disposal installation, (k) retail warehouse club, (l) nightclub, (m) casino, (n) betting office, (o) pay day loan shop, (p) public house, wine bar, or drinking establishment, (q) drinking establishment with expanded food provision, (r) hot food takeaway, (s) live music performance venue, (t) cinema, (u) concert hall, (v) bingo hall, (x) dance hall

Casino, betting office, pay day loan shop or hot food takeaway to Class E, subject to prior notification (PD Class A)

Public house, wine bar, or drinking establishment to drinking establishment with expanded food provision - and vice versa (PD Class AA)

Betting office, pay day loan shop to a mixed use for any purpose within Class E and as up to 2 flats, subject to prior approval (PD Class G)

Betting office or pay day loan shop to a mixed use betting office or pay day loan shop and as up to 2 flats, subject to prior approval (PD Class G)

Mixed use betting office or pay day loan shop and as up to 2 flats, to use for any purpose within Class E (PD Class H)

Mixed use as a betting office or pay day loan shop and as up to 2 flats to a use as a betting office or pay day loan shop (PD Class H)

Launderette; betting office, pay day loan shop, hot food takeaway or one of these uses in a mixed use with a dwellinghouse to dwellinghouse, subject to prior approval (PD Class M)

Amusement centre or casino to C3, subject to prior approval (PD Class N)

Appendix 2

DESIGN STATEMENT OF CASE

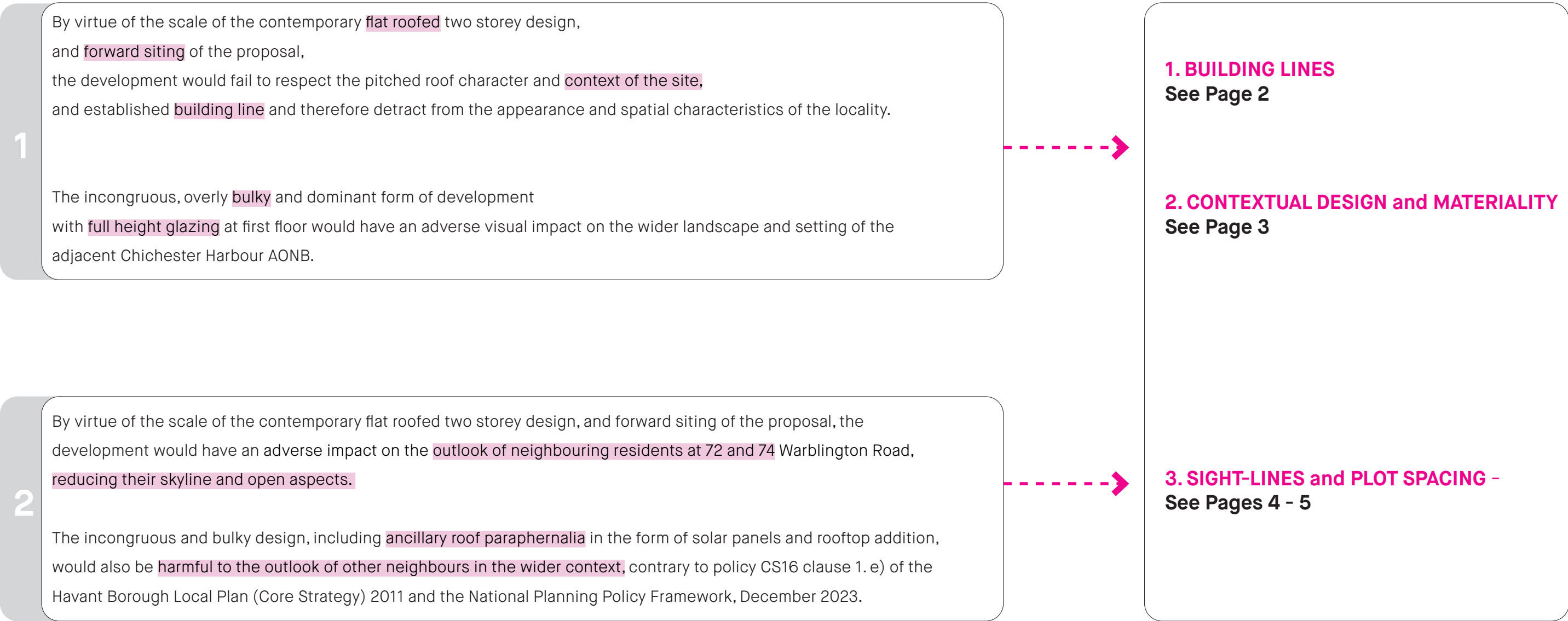
OB ARCHITECTURE

This appendix has been prepared by OB Architecture to support the Statement of Case prepared by Genesis Town Planning Ltd. in response to the below refusal decision.

Reasons for Refusal:

REF: Havant Borough Council Decision Notice APP/23/00779

Design Statement of Case:



01. BUILDING LINES

The building lines fronting the harbour respond to the natural formation of the shoreline, with staggered shifts in sections of the urban grain apparent where the shoreline naturally kinks.

The shoreline and building lines run in parallel, with a natural transition formed by Beach Road and the kink in the shoreline immediately south of the site.

Along Western Parade the building line is generously set back, however to the west of Beach Road the building line runs closer to the shoreline.

Although forward of the building line to the east, the siting of the proposal is in keeping with this wider pattern of development.



Building Line Diagram

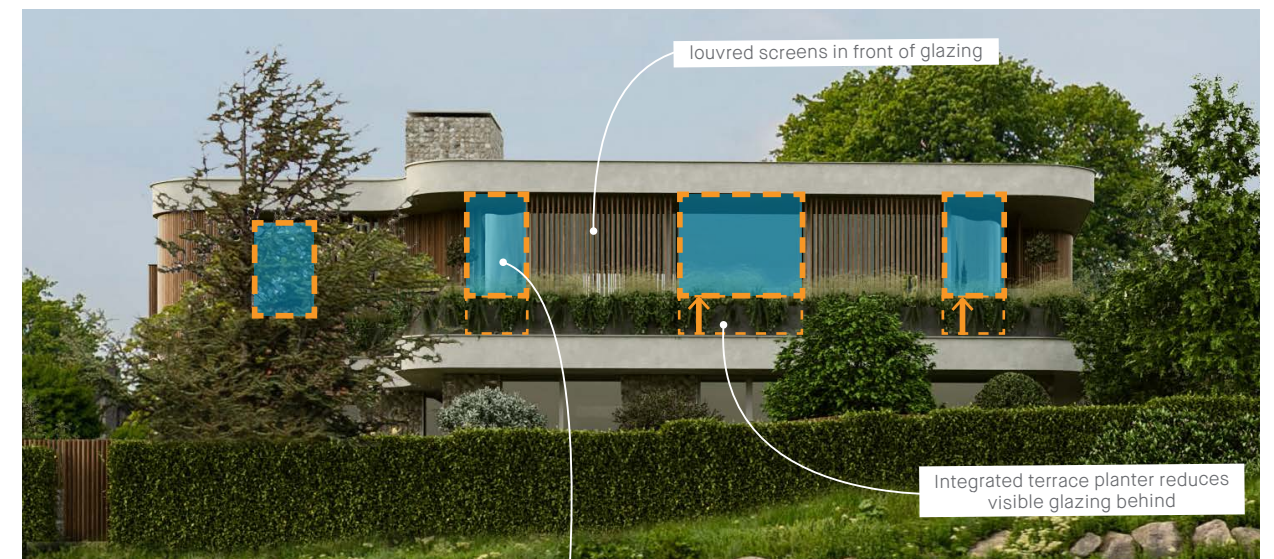
02. CONTEXTUAL DESIGN and MATERIALITY

The proposal picks up on the materiality, tones and textures present in the immediate context along the shoreline.

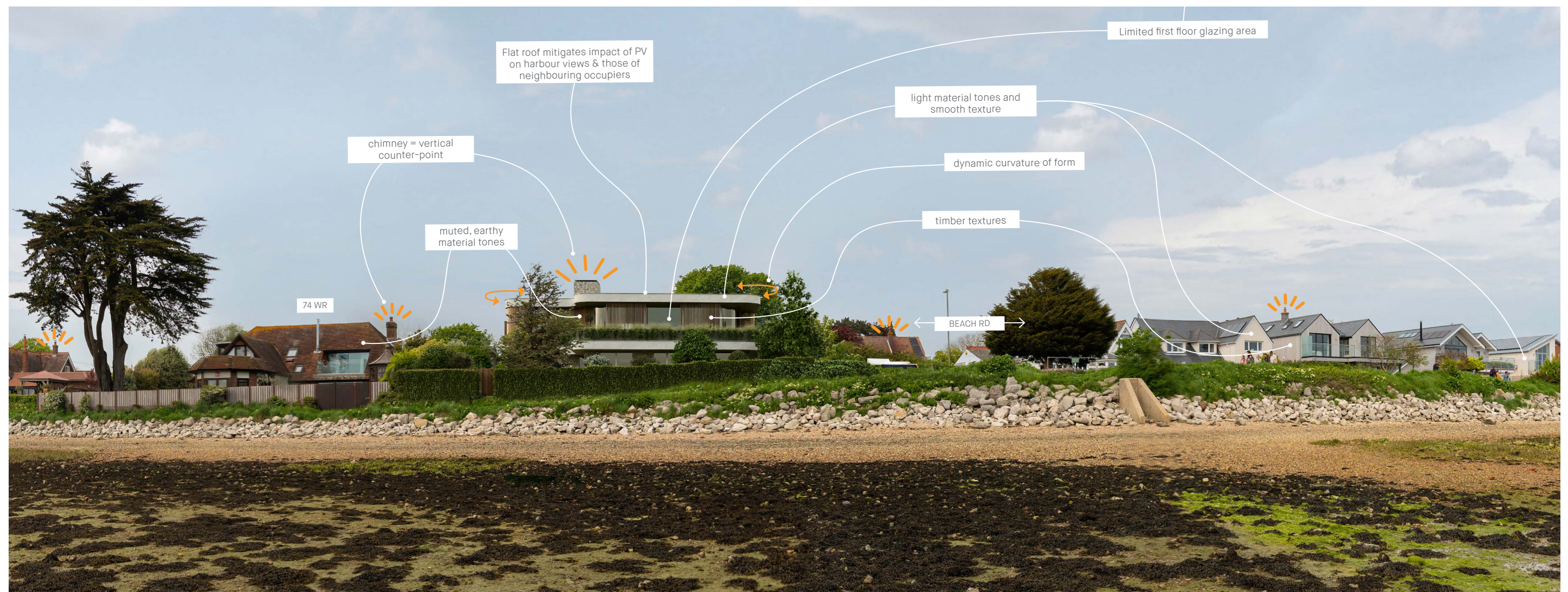
The curvature of the proposed form creates a transition at the corner of Beach Road and softens the building form.

The timber louvred screens and integrated terrace planter limit the exposed area of first floor glazing, as shown in the extract diagram opposite.

The below diagram further illustrates these features.



Extract showing limited area of exposed first floor glazing

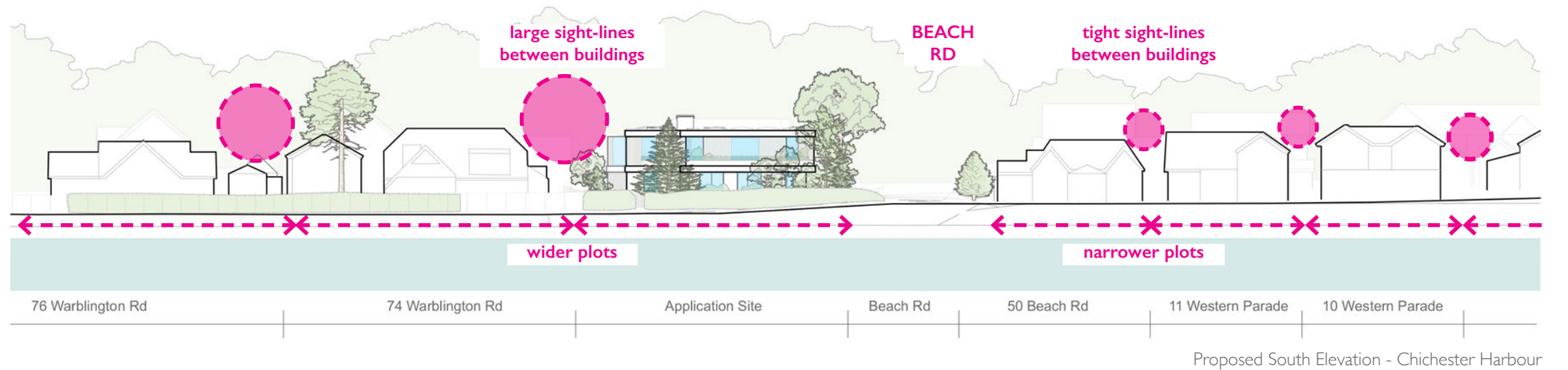


Shoreline visualization illustrating contextual response

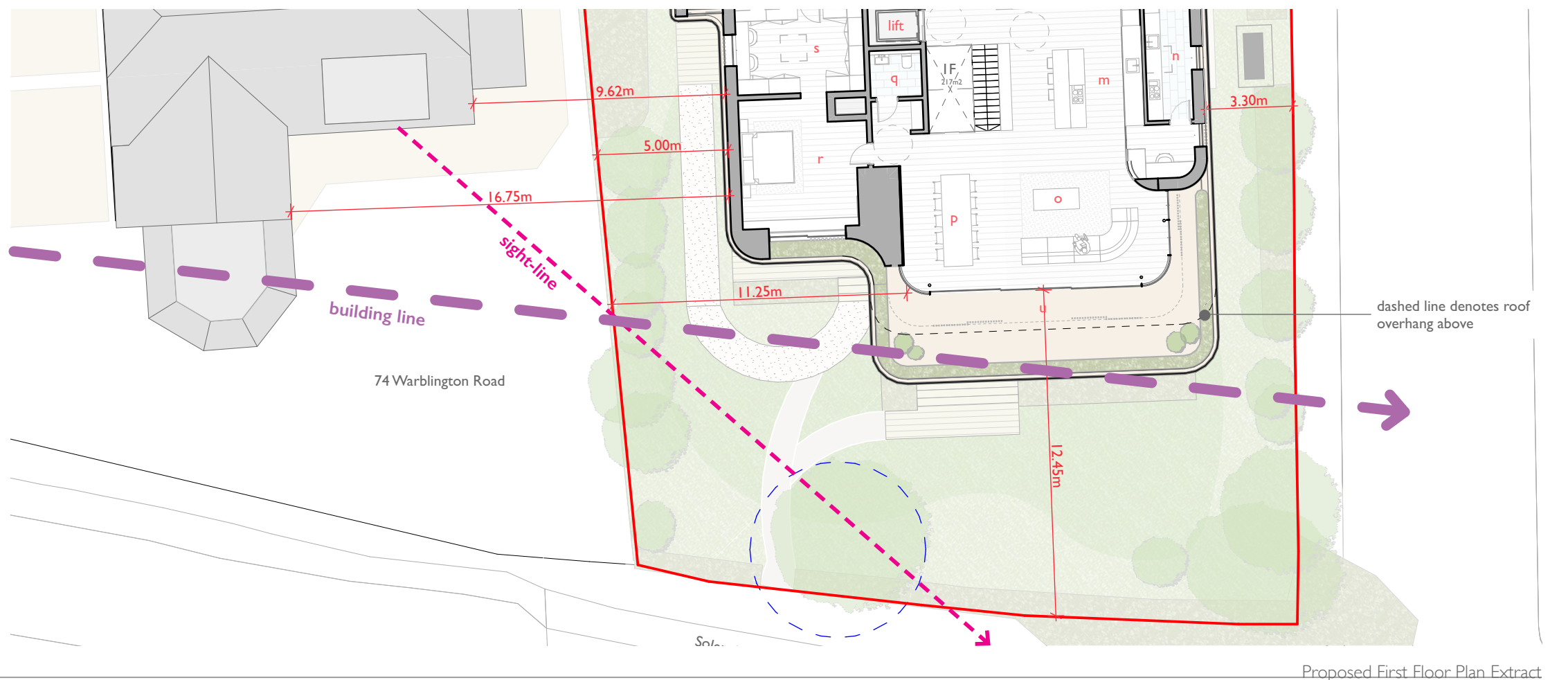
03. SIGHT-LINES and PLOT SPACING

The case officer deemed the contemporary fat roof design inappropriate, by virtue of a loss of skyline and open aspect from the amenity of neighbouring occupiers.

The diagram opposite illustrates the generous sight-lines between the proposal and 74 Warblington Road, which is in contrast to the tight sight-lines that are evident between the narrower plots fronting Western Parade to the east.

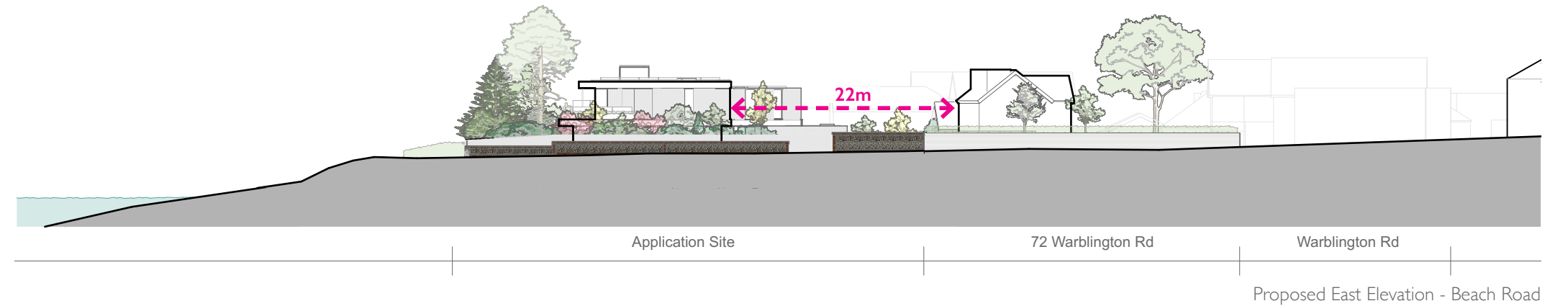


A step in the proposed building form along the southern elevation and appropriate separation distances from the site boundary, ensures the amenity and sight lines of 74 Warblington Road are preserved.



03. SIGHT-LINES and PLOT SPACING

There is a 22m separation distance between 72 Warblington Road and the north elevation of the proposal which is not considered harmful.



The model extract opposite illustrates the second floor outlook from 72 Warblington Road, which sits higher than the proposal.

Oblique views of the solar panels are possible from this height, but this is considered less harmful than solar arrays fully visible on pitched roofs in the immediate vicinity.

The solar panels are critical to achieve a highly sustainable new dwelling and are not considered to be 'ancillary paraphernalia'.



Proposed Second Floor Outlook - 72 Warblington Road

APPENDIX



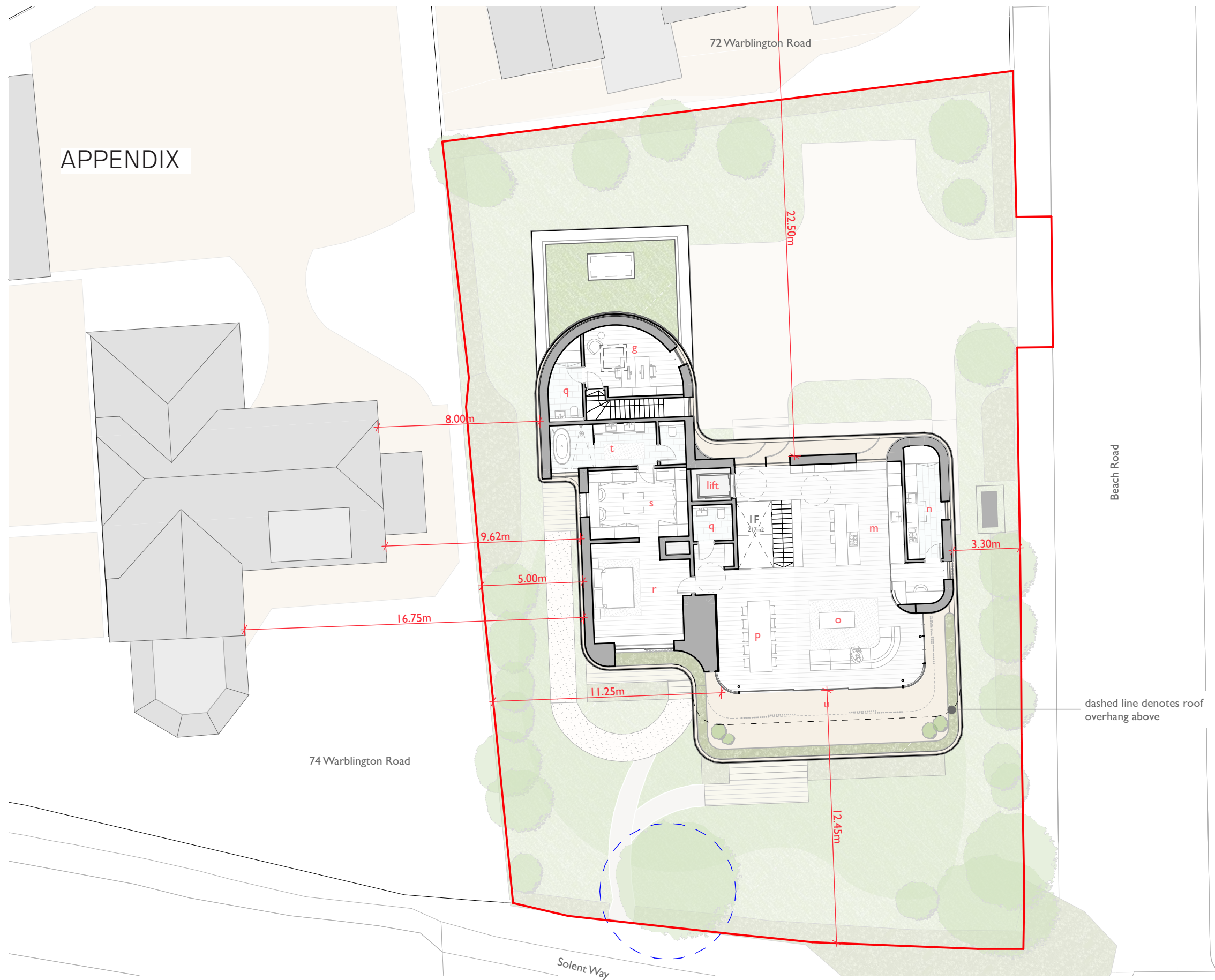
KEY:

- a entrance hall
- b snug
- c bedroom
- d en-suite
- e utility
- f plant room
- g study
- h cloak
- i store
- j studio entrance
- k wet room
- l garden workshop/ store

1:200

Ground Floor GA Plan Proposed

APPENDIX



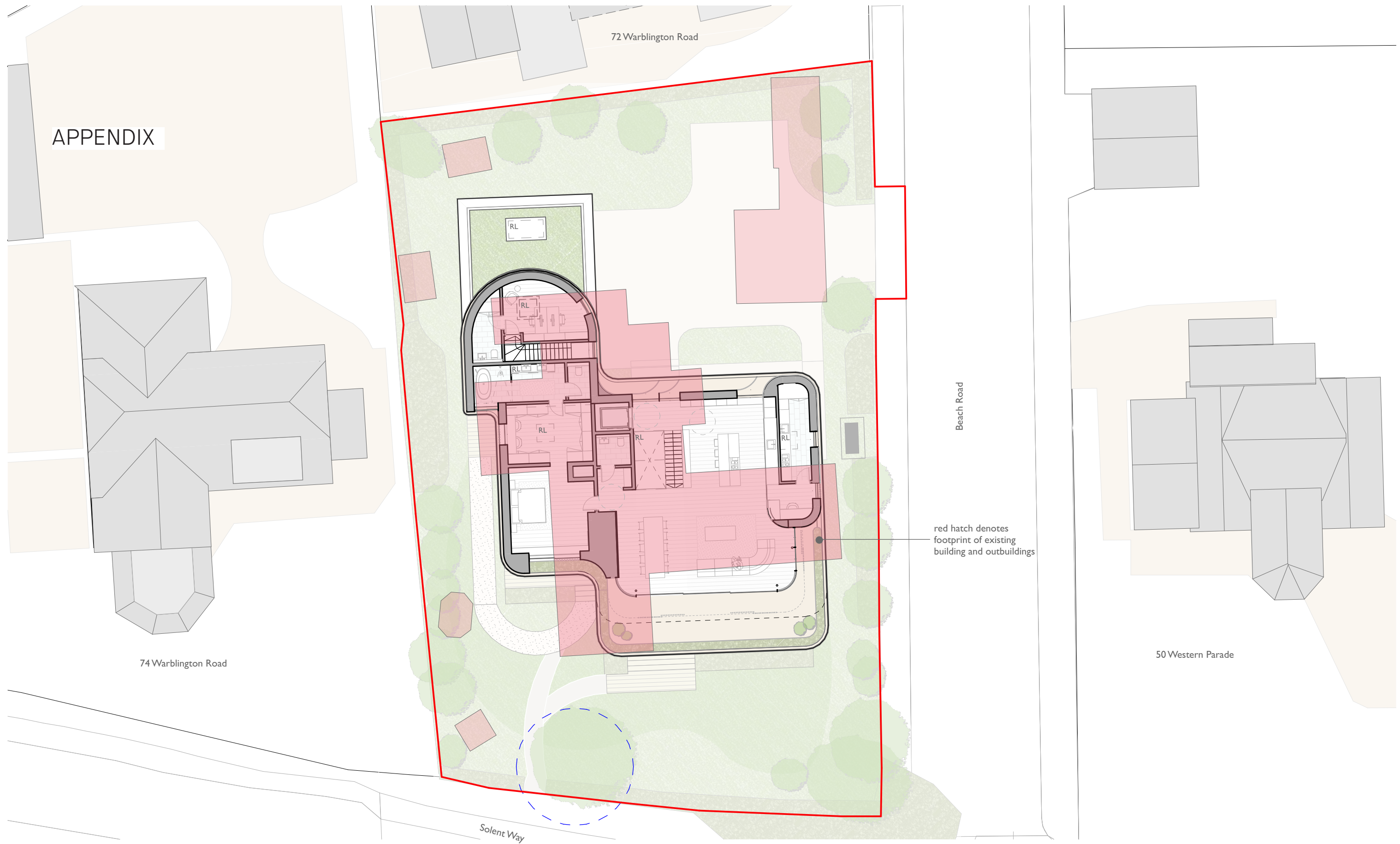
KEY:

c	bedroom
d	en-suite
g	studio
m	kitchen
n	pantry
o	living
p	dining
q	WC
r	master-bedroom
s	dressing
t	master en-suite
u	external terrace

1:200

First Floor GA Plan Proposed

APPENDIX



1:200

First Floor GA Plan Proposed Comparison

GENESIS

T O W N P L A N N I N G

26 Chapel Street
Chichester
PO19 1DL
Tel: 01243 534050



Company Registration No: 6849869
Registered Office: 3 Johnsons Barns, Waterworks Road, Petersfield GU32 2BY