

Havant Borough Council
Heritage Consultation Response

Date – 6/12/2024

Officer – Rachael McMurray, Principal Heritage Officer

Application – APP/24/00678

Site Address – 2 Towers Garden, Langstone

Proposal - Proposed porous hard and soft landscaping improvements to enable EV charging to the existing grass driveway within the Langstone Conservation Area.

Site / Location

The site is located in Towers Garden, a residential cul-de-sac located off Langstone High Street and within the Langstone Conservation Area. It comprises a uniform, post war development of short terrace rows with separate garages blocks. A characteristic of the streetscene, the application site has a front garden which is laid to lawn with no front boundary screening. An Article 4(2) Direction is in place which cover the conservation area. This restricts certain householder permitted development rights.

Legislation

When assessing the proposal, the following legislation and policy context is taken in consideration.

Planning (Listed Building and Conservation Areas) Act 1990

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires planning authorities, when considering whether to grant planning permission for development which affects a **Conservation Area**, to have special regard to the desirability of preserving or enhancing the character and appearance of that area.

National Planning Policy Framework (revised December 2023)

Chapter 16 of the NPPF relates to **the Historic Environment** including paragraphs 195 – 214. The following paragraphs are most relevant to the determination of this application:

Para 205 states that:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Para 206 states that:

Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

(a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;

(b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional [22](#).*

Para 207 states that:

*‘where a development will result in **substantial harm to, or total loss of**, the significance of a designated heritage asset, permission should be refused, unless this harm is necessary to achieve substantial public benefits, or a number of criteria are met. Where less than substantial harm is identified paragraph 208 requires this harm to be weighed against the public benefits of the proposed development*

Para 208 states that:

*‘Where a development proposal will lead to **less than substantial harm** to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use’.*

Havant Borough Local Plan (Core Strategy 2011 and Allocations Plan 2014)

Policy CS11 – Protecting and Enhancing the Special Environment and Heritage of the Havant Borough

Policy CS11 (4) states that planning permission will be granted for development which:

‘Protects and where appropriate enhances the borough’s statutory and non-statutory heritage designations by appropriately managing development in or adjacent to conservation areas, listed buildings, scheduled ancient monuments, historic parks and gardens, archaeological sites, buildings of local historic or architectural interest’.

Policy CS16 – High Quality Design

Policy CP16 (1a) of the Core Strategy states that:

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

- a) Identifies and responds positively to existing features of natural, historic or local character within or close to the proposed development site’.*
- b) Integrates with existing local landscape features, promotes wildlife and biodiversity and/or applies characteristics of the local area into the design of a scheme wherever possible to create variety and interest;*
- c) Uses the characteristics of the locality to help inform the design of the new development including heights, massing, existing buildings lines, plot widths and depths, materials and proportions of windows and doors;*

- d) *Is well connected to and integrates with the immediate local area and the wider area by linking to existing pedestrian and cycle routes and encouraging people to use public transport where possible; and*
- e) *The development does not cause unacceptable harm to the amenity of neighbours through smell, the loss of privacy, outlook, noise and overlooking.*

Policy DM20 (Allocations Plan) - Historic Assets

Policy DM20 states that;

'Planning permission will be granted for development proposals that conserves and enhances the historic assets of Havant. It also states that application which affect, or have the potential to affect, heritage assets are expected to provide a Heritage Statement that:

1. Describe the significance of the asset and its setting, using appropriate expertise and where necessary original survey, at a level of detail proportionate to its significance and sufficient to understand the potential impact of the proposal.

2. Sets out the impact of the development on the heritage assets and mitigation that is proportionate to the impact and the significance of the heritage asset, including where possible positive opportunities to conserve and enjoy heritage assets.

Assessment

The previous application (24/00130), proposed to convert a large area of the existing front lawn to paved landscaping in order to facilitate 2no. parking spaces.

The heritage response to the previous application was that the proposal would result in less than substantial harm to the Langstone Conservation Area, with very limited public benefits, that would not outweigh the less than substantial harm.

It was also concluded that the proposal would fail to comply with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as it would neither preserve or enhance the character and appearance of the area. The application was subsequently refused by Planning Committee for the following reason:

'The proposal by virtue of introduction of a large expanse of hardstanding would be detrimental to the visual amenities of the streetscene as it would puncture the strong, predominantly green frontage in Towers Garden. The proposal would fail to preserve the character and appearance of the Conservation Area and would result in less than substantial harm to its significance. The public benefits would be limited and would not outweigh the less than substantial harm to the significance of the Conservation Area. Furthermore, the proposal would fail to conserve and enhance the special qualities of the National Landscape (Chichester Harbour AONB). The proposal is therefore contrary to policies CS11, CS12 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and DM20 of the Havant Borough Local Plan (Allocations) 2014, the Chichester Harbour AONB Management Plan and the Chichester Harbour AONB SPD, the National Planning Policy Framework (December 2023) and Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.'

The current application proposes an amended scheme for hard surfacing on the front garden however, this scheme includes the following changes:

- Reduction in amount of hard surfacing with provision for only 1no parking space instead of 2. The wider section of hard landscaping will be located closer to property, so more grass / garden area is visible from the streetscene.
- Change to proposed hard surfacing material – a quartz bound resin instead of grey paving blocks. In addition to this, a limestone paved pathway and soft landscaping is proposed.

The current application has been submitted with a detailed planning and heritage statement which aims to address the areas of concern with the previous application and justify the amended scheme.

The main points are as follows:

- The applicant is already able to lawfully park on the existing front lawn area. As a result, the lawn is at risk of being churned into mud, diminishing the appearance of a landscaped front garden. The revised proposal would seek to address this issue and reduce the amount of hard surfacing proposed (compared to the previous application), whilst proposing a scheme which preserves and enhances the special character of the conservation area.
- Some properties have already implemented hard surfacing on the front garden to facilitate onsite parking. Therefore, a full uniformity of landscaped gardens does not reflect the current character of Towers Garden and the Langstone Conservation Area Appraisal is out of date.
- Garages, including the garage for No. 2, are generally too small for modern day cars and not easily located for EV charging.

The previous application was refused as it would have resulted in a **large** expanse of hardstanding which would be **detrimental to the visual amenities** of the streetscene as it would **puncture the strong, predominantly green frontage** in Towers Garden.

To overcome this reason for refusal, the **large** expanse of hardstanding has been reduced so that it now covers approximately half the width of the front lawn, albeit widening at the section closest to the house to incorporate the front entrance. As the expanse of hardstanding has been reduced, the proposal would retain more of the **predominantly green frontage** and would therefore be less detrimental to the visual amenities of the streetscene and character of this part of the conservation area.

The applicants have reiterated that due to the nature and size of their allocated garage, it is not possible to charge a vehicle from this location and therefore they must park a vehicle on the front garden, to utilise an EV charger placed on the front elevation of the house.

The act of charging a vehicle is an activity which they can lawfully do. As such, this would not constitute development and would therefore not require planning permission (even with the Article 4 in place). If this parking activity were to continue (which it lawfully can do so), there is a high probability that it would be difficult to maintain an attractive front lawn. It would therefore be an activity which would in and of itself, be harmful to the special character of the conservation area.

The revised proposal would retain more of the front lawn and in addition, proposes a high-quality material and finish for the section of garden to be hard surfaced. Furthermore, the partial hard surfacing of the front lawn would avoid the issue of the lawn being churned up into mud by means of the parking of a vehicle.

Overall, the revised scheme is considered to reduce the level of harm compared to that of the previous proposal. It is still considered to result in less than substantial harm, however this is very much at the lowest end of the scale, but with the added mitigation of removing potential damage to the front lawn, and therefore risk of harm to the character of the Langstone Conservation Area.

Conclusion

The revised scheme would result in less than substantial harm to the Langstone Conservation Area however, due to the improvements in design, this would be at the lowest end of the scale. However it is considered that on balance, it would meet the test set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as it would preserve and enhance the character of the conservation area by mitigating against the harm to the front lawn of No. 2, as a result of the continued parking on the grass and the damage which would be inevitable.

Should the case officer be minded to recommend that planning permission be granted, I would advise the inclusion of the following condition:

1. Notwithstanding the approved plans, details and / or samples of all new hard surfacing materials including colour and finish to be submitted to and agreed by the LPA prior to the commencement of any development.