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PLANNING, INCORPORATING DESIGN AND ACCESS PRINCIPLES, STATEMENT

APPLICATION FOR PLANNING PERMISSION

for

ERECTION OF DWELLING FOLLOWING DEMOLITION OF EXISTING

at

**LANGSTONE LODGE, LANGSTONE HIGH STREET, HAVANT, HAMPSHIRE,
PO9 1RY**

**D&M REF: 129/21/MS
January 2024**

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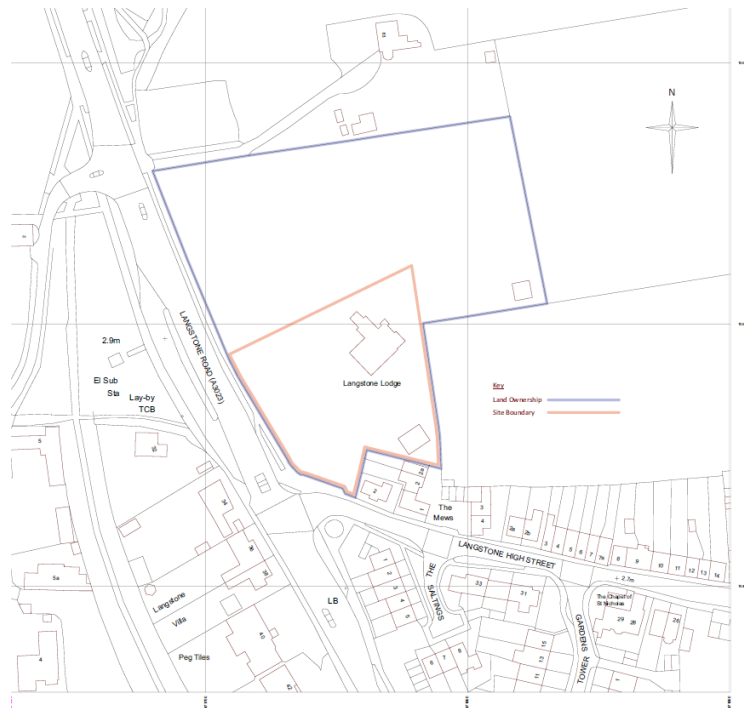
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1. INTRODUCTION AND SUMMARY OF PROPOSAL

- 1.1 We have been instructed by our client, Tony Denton, to assist with the submission of this full application for the erection of a dwelling following demolition of the existing at Langstone Lodge, Langstone High Street, Havant, PO9 1RY.
- 1.2 The application site, as shown on the site plan below, is located to the West of Langstone Road and North of Langstone High Street. The site consists of a large detached house and circa 0.3ha of surrounding land and outbuildings; though the entirety of the land holding is circa 1.32ha.



- 1.3 The site is located within the Langstone Conservation Area and Chichester Harbour AONB.
- 1.4 Permission has recently been granted for the erection of extensions and alterations to the host dwelling. During the course of the preparation works significant and serious defects to the structural integrity of the building were uncovered. The supporting survey from Hockley and Dawson concludes that the required work is of such significance and scale that it is not feasible nor practical to undertake a schedule of repairs but instead suggests that a replacement dwelling is proposed.

- 1.5 The proposed replacement dwelling would be constructed to be a facsimile of the approved extended form of the existing property minimising any changes to the local or wider context of the area.
- 1.6 The proposed application would not change the use of the land or the access to the property and surrounding land remaining as one residential family dwelling.
- 1.7 This statement covers the site description, proposal, the principle of development and contextual assessments. It will also demonstrate how the proposal accords with the relevant policies of the Local Plan (Core Strategy) adopted 2011, the Local Plan (allocations) adopted 2014, and national planning policy contained within the NPPF. It is noted that the emerging and submitted local plan was withdrawn in 2022.
- 1.8 The application is accompanied by the aforementioned structural report and a heritage statement prepared by RPS.
- 1.9 It is contended that this proposal full accords with all of the relevant local plan policies, guidance within the NPPF and various supporting documents. Accordingly, it is contended that permission should be granted.

2.0 ENVIRONMENTAL IMPACT ASSESSMENT STATEMENT

- 2.1 In accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (2017 No. 571) Part 2 4(3), the development scheme has been ‘self-screened’ to ascertain whether the proposed development comprises a project subject to EIA Regulations 2017.
- 2.2 The proposed development does not comprise of development within Schedule 1 of the EIA Regulations 2017. The development could be considered to comprise of development contained within Schedule 2 Column 1 10B development contained namely Infrastructure Projects and “Urban Development Projects, including the construction of shopping centres and car parks, sports stadiums, leisure centres and multiplex cinemas”. However, the development does not meet the applicable thresholds and criteria within Column 2 of Schedule 2 as amended within The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (2017 No. 571):
- (i) The development includes more than 1 hectare of urban development which is not dwelling house development; or*
 - (ii) The development includes more than 150 dwellings; or*
 - (iii) The overall area of the development exceeds 5 hectares.*
- 2.3 The application would represent a modest proposal, resulting in no increases in the number of units on site. The proposal would therefore fall well within the above thresholds. The proposal is considered not to result in a significant effect upon the environment and does not meet criteria contained within Schedule 3 of the EIA Regulations 2017 or result in a variation/amendment to a previous EIA development nor taken in conjunction with other development is it likely to have a significant environmental effect.
- 2.4 On this basis, the proposal would not represent EIA development in accordance with the Regulations 2017.

3.0 SITE DESCRIPTION AND LOCALITY

- 3.1 The site, as shown on the location plan below, is located to the west of Langstone High Street.



Existing Site Plan

- 3.2 The land consists of a detached dwelling located in the southern part of a larger residential curtilage consisting of circa 0.3ha. Within the curtilage there are a number of outbuildings including a detached quad bay garage with accommodation above.
- 3.3 The existing house is externally well maintained two storey dwelling with accommodation within the pitched roof. It is of brick material with painted render frontage and bay windows at ground floor. The original form was believed to be built in circa 1875. This, however, hides some serious structural defects as set out in the accompanying report
- 3.4 Since purchasing the site the applicant has spent considerable sums in the repairs and maintenance of the building. It is evident from the structural report that the defects now far outstrip these works.
- 3.5 The site is accessed onto Langstone High Street via a shingle drive on the southwestern corner of the property. The property is separated from the road by a brick wall which forms the boundary of the conservation area in this part.
- 3.6 The surrounding curtilage is largely laid to lawn but includes a number of treed areas and wild meadows.

- 3.7 The surrounding area consists of predominately residential dwellings of various forms, ages and material palettes. Langstone Lodge is set significantly back from the road when compared to these properties which largely front the highway with limited verges.
- 3.8 The site is within a Conservation Area and within the Chichester Harbour National Landscape (formerly known as AONB).



4.0 PLANNING HISTORY

4.1 The table below shows the planning history for the property:

Reference;	Proposal;	Decision;
APP/21/01322	Demolition of existing single storey additions; extensions and alterations including part single, part two storey extensions to NE elevation with terrace; and single storey to NW elevation; repositioning of the main entrance stone portico	Approved September 2022
APP/20/00794	Single storey six car garage and turning area	Withdrawn April 2021
APP/20/0072	Replacement windows in south west elevation	Approved April 2020
07/51864/015	Minor alterations and conversions of annex to a separate 2/3 bedroom dwelling	Withdrawn Feb 2008
06/51864/014	Erection of a timber framed garage for 3 cars, including felling of a tree	Withdrawn Jan 2007
06/51864/013	Conversion, extension and change of use of existing garage block to 1No. 3 bedroom detached house	Withdrawn Jan 2007
03/51864/011	Renewal of temporary planning permission to allow the continued use of garage and loft over as offices	Approved Dec 2003
00/51864/009	Continued use of garage and loft over as offices	Approved Oct 2000
96/51864/006	New dormer on north east elevation	Approved Sept 1996
95/51864/005	Continued use of ground floor of garage as offices, insertion of patio doors in rear elevation	Approved June 1996
94/51864/004	Renewal of planning permission 93/51864/2	Approved April 1994
93/51864/002	Use of office above garage for marketing company and retention of dormer to north elevation	Approved May 1993
92/51864/001	Conversion to two dwellings	Withdrawn May 1992
89/51864	Temporary change of use of 1st floor over garage block to office (b1) use	Appeal Allowed 1990
27269/3	One residential dwelling with garage	Refused June 1979

27269/4	Garage for three cars and a boat with storage in roof space	Approved Jun 1979
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- 4.2 Other applications on the site relate to tree work reflective of the site's status as being within the Conservation Area.
- 4.3 There are older applications, however there is little information available for these.
- 4.4 Most recently an application has been approved for the erection of extensions and alterations; this was found to be in compliance with the relevant policies of the plan and appropriate for its historic and landscape setting.
- 4.5 The proposal in this instance is a scheme for the replacement of the existing property with one which is facsimile to that proposed for demolition. The sole intention of the work being to provide structural soundness. The proposal closely matches that which was approved in September 2022.

Pre-Application

- 4.6 At the end of 2022/ beginning of 2023 a pre-application was submitted for the proposal to the Council for consideration. The response indicated that the AONB Management Board had no objections in principle subject to the scheme being a like-for-like replacement. Concern was, however, expressed by the Council's Conservation Officer on the basis that the demolition of the building had not be suitably justified and therefore considered the proposal to amount to substantial harm in heritage terms.
- 4.7 This application seeks to demonstrate that the loss of the building is entirely justified. Namely that the repairs required for its long term conservation are not only significant and complex but in the undertaking of such puts the building at high risk of its complete loss.

5.0 PROPOSED DEVELOPMENT

- 5.1 The application proposes the erection of a replacement dwelling following demolition of the existing property. The proposal is for a like-for-like replacement albeit including the previously approved extension.

Use

- 5.2 The site relates to a single residential dwelling
- 5.3 The proposal would not result in any changes to this with the replacement dwelling continuing to be a single family home.

Layout

- 5.4 The proposal relates to the erection of a replacement dwelling. The proposal is for a like-for-like structure (incorporating the approved extension).
- 5.5 Given the nature of the proposal the property would be positioned in the same location within the same maintaining the layout in terms of the site itself and the wider character of the area.
- 5.6 Internally, the proposal would improve the internal layout and use of the rooms from the existing. The house would provided flexible use of rooms suitable for a modern family needs.
- 5.7 The location and layout of the access would remain unchanged.

Amount

- 5.8 The proposal relates to a single family dwelling. The application is for a replacement dwelling and therefore would retain the same number of dwellinghouses (no.1).
- 5.9 The proposed replacement building would have an internal floor area of 648sqm over the two floors and roof space.

Scale

- 5.10 The proposal would not materially increase the overall size, scale, bulk or height of the built form as approved under the most recent application. The replacement building would match the proportions of the height of the existing eaves and ridge but owing to flood risk is marginally taller.

- 5.11 The intention is for the replacement dwelling to match the existing dwelling as closely as possible.

Appearance

- 5.12 The proposal seeks to respect the character and appearance of the subject building, and the contribution it makes to the wider historic setting.
- 5.13 The proposal is for the replacement dwelling to be a like-for-like scheme of the existing dwelling with the approved extension.
- 5.14 The proposed materials and finishes will match those of the host building.

Landscaping

- 5.15 The application site is an established residential plot. The curtilage is currently residential in appearance, and this would remain unchanged with no trees or other vegetation affected by the proposal.

Access and Parking

- 5.16 Use would be made of an existing vehicular access from the lane and no amendments to this are proposed.

6.0 PLANNING POLICY AND GUIDANCE BACKGROUND

6.1 The site is subject to the following planning constraints as identified within the Havant Local Plan

- Chichester Harbour AONB
- Langstone Harbour
- Langstone Conservation Area
- Trees subject of Tree Preservation Order
- Flood Zone 2 and 3
- Solent SPA 5600m buffer zone
- Chichester and Langs SPA 400m buffer one

6.2 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. Section 38(3) states that the Development Plan includes the Regional Spatial Strategy and any other Development Plan documents.

NATIONAL PLANNING POLICY

6.3 The National Planning Policy Framework (NPPF) was first introduced in March 2012 and replaced planning policy statements (PPSs) and planning policy guidance notes (PPGs). The NPPF sets out national planning policy to be taken into account by councils when preparing new local plans and when taking decisions on planning applications.

6.4 The NPPF has been recently updated with a revised version being published in December 2023. There continues to be a strong presumption in favour of sustainable development and at paragraph 3 advises that the Framework should be read as a whole.

6.5 Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 states there are three dimensions to sustainable development: economic, social and environmental, and that these are interdependent and need to be pursued in mutually supportive ways. However, paragraph 9 states these are not criteria against which every decision can or should be judged. Decisions should also take local circumstances into account, to reflect the character, needs and opportunities of each area.

6.6 Paragraph 10 states the following:

‘So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11)’.

- 6.7 Paragraph 11 goes on to state that plans and decisions should apply a presumption in favour of sustainable development.

‘For decision-taking this means:

c) approving development proposals that accord with an up to date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are the most important for determining the application are out of date, granting permission unless:

(i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed , or

(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of this Framework taken as a whole.’

- 6.8 The most relevant sections of the NPPF in relation to this proposal are 2 (Achieving Sustainable Development), 12 (Achieving well-designed places), 14 (Meeting the challenge of climate change, flooding and coastal change) 15 (Conserving and enhancing the natural environment) and 16 (Conserving and enhancing the historic environment).
- 6.9 Section 2 sets out that the planning system should contribute toward achieving sustainable development. It states the Local Planning Authorities should apply a presumption in favour of sustainable development and not delay the issuing of approvals for such.
- 6.10 Section 12 deals with the requirement for high quality and beautiful design, which it notes is a key aspect of sustainable development and is indivisible from good planning. The proposed development is intended to closely resemble the current property incorporating the extant and approved extension. The aim being that the proposal preserves the current design quality of the property.
- 6.11 Section 14 requires development proposals to support the transition to a low carbon future and be proactively planned to mitigate and adapt to a changing climate. The development would seek to optimize the potential of the development to meet these demands. As part of the erection of the replacement dwelling there is the opportunity to ensure the dwelling complies with and exceeds the current requirements of building control for the benefit of transitioning to a low carbon future. This can include the re-use of materials where possible to ensure their embodied carbon is restored into the development process.

- 6.12 Chapter 15 of the NPPF deals with conserving and enhancing the natural environment. It states that development should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. The site is located within the Chichester Harbour AONB wherein the NPPF advises at paragraph 174 and 176 should be protected and enhanced. The application has been designed to take into account the guidance of joint Chichester Harbour AONB SPD – it essentially proposes a like-for-like replacement of the extended property therefore having a neutral impact on the character of the AONB.
- 6.13 Chapter 16 sets out that development should protect and enhance the historic environment and all types of heritage assets. The site is located within the Conservation Area and in the vicinity of listed buildings. The application is accompanied by a separate heritage statement produced by RPS. This highlights that given the significant structural deficiencies of the existing property (as detailed in the submitted structural report) the erection of the replacement dwelling is justified.

LOCAL PLANNING POLICY

- 6.14 The Council's local plan consists of the Havant Local Plan (Core Strategy) adopted March 2011, Local Plan (allocations) adopted July 2014.
- 6.15 Given the age of the plan and the withdrawal of the previous emerging plan, regard must be given to the provision of paragraph 11 of the NPPF in considering the weight to be applied to relevant policies in the plan. The relevant policies are considered to be as follows:
- CS11: Protecting and enhancing the special environment and heritage
 - CS12: Chichester Harbour Area of Outstanding Natural Beauty
 - CS15: Flood and Erosion Risk
 - CS16: High Quality Design
 - DM8: Conservation, Protection and Enhancement of Existing Natural Features
 - DM9: Development in the Coastal Zone
 - AL1: Presumption in favour of sustainable development
 - AL2: Urban Area Boundaries and Undeveloped Gaps between Settlements
 - DM20: Historic Assets
- 6.16 The Council is currently working on a new local plan following the withdrawal of the previous in 2022. Given the early stages of the plan it cannot be afforded any weight at this stage.

6.17 The following documents are also of relevance to this application:

- National Planning Policy Framework (2023)
- National Planning Policy Guidance (NPPG)
- Chichester Harbour AONB SPD
- Borough Design Guide SPD (December 2011)
- Langstone Conservation Area Appraisal (2011)

7.0 PLANNING POLICY ASSESSMENT AND PLANNING MERITS

7.1 The application proposal consists of the erection of a dwelling following demolition of the existing. The proposed dwelling would match the existing incorporating the extension approved in September 2022.

7.2 Based on the planning constraints of the land we consider that the key determining factors will be:

- Principle of development
- Impact on the AONB
- Impact on heritage assets
- Design and impact on visual amenity
- Impact on Neighbouring amenity
- Trees
- Ecology
- Sustainability and construction
- Other Matters

Principle of Development

7.3 Policy AL1 sets out that when considering development proposals, the Council will take a positive approach which reflects the presumption in favour of sustainable development as set out in the NPPF. The policy continues to state that the Council

It will always work proactively with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Planning applications that accord with the policies in this local plan will be approved without delay, unless material considerations indicate otherwise.

7.4 The site is located within the Chichester Harbour National Landscape (formerly known as AONB) wherein the NPPF advises that permission should be refused for major development other than in exceptional circumstances. The development is for a single replacement dwelling and accordingly there is no principle against the development based on its location within the AONB with the appropriate assessment being the impact of the proposal on this protected landscape.

- 7.5 The site is also located within the Langstone Conservation Area wherein considerations need to be given to the impact of the proposal on the heritage asset. The majority of this assessment is examined within the submitted heritage statement prepared by RPS.

Impact on the Chichester Harbour National Landscape (AONB)

- 7.6 The application site is located within the Chichester Harbour National Landscape. The area was formerly known as an Area of Outstanding Natural Beauty (AONB), however, these were retitled/rebranded at the end of 2023. Given that the policies are yet to be updated to reflect this change we will for ease of reference refer to the area as being an AONB.
- 7.7 Chichester Harbour incorporates a number of historic harbours and represents an undeveloped area of coast land bordered by the South Downs to the north. There are a number of narrow tidal inlets from the sea which shape the character of the AONB.
- 7.8 The flat topography of the AONB is one of its most significant features and provides opportunities for long distance views across the harbour from various public vantage points. These views are intermittently interrupted by a number of historic settlements reflective of the area's importance as a historic harbour and trading centre. The AONB also provides habitat for a number of important species and wildlife.
- 7.9 Langstone Lodge is located on the western edge of the AONB with the boundary wall being the boundary of the AONB also.
- 7.10 Policy CS12 of the plan states that within the Chichester Harbour Area of Outstanding Natural Beauty (AONB) Development will be permitted 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 and*
- 5. Provides mitigation of any detrimental effects including where appropriate the improvement of existing damaged landscapes relating to the proposal.*

- 7.11 This policy evidently accords with the policies within the NPPF namely in the aim to seek protection and enhancement of the valued landscape.
- 7.12 The Chichester Harbour SPD was adopted by the Council in 2017 and provides policy guidance to assist with the design and assessment of proposals. Additionally, the third review of the Management Plan was published in 2019 with the annual review issued last year.
- 7.13 The SPD provides guidance on various topics such as the scale and massing of extensions, the design details, material palette and fenestration. Although the guidance is useful the weight to be given to it should be commensurate with its status as such.
- 7.14 The Management Plan includes a number of policies which are relevant to the application. These are specifically Policies PP01, PP03 and PP09.
- 7.15 Policy PP01 sets out the importance of the AONB and the planning principles in the decision making process
- 7.16 Policy PP03 states that

The Conservancy is unlikely to object to a replacement dwelling or extension to an existing dwelling provided the applicant can demonstrate that all of the following criteria have been addressed:

- *The increase in size and/or mass does not exceed 50% of the footprint and 25% to the elevation silhouette of the dwelling as can be evidenced by previous planning applications; and*
 - *The proposal does not increase the developed frontage of the waterside to an extent which detracts from the openness or rural character of the coastal landscape when seen from public vantage points (including public footpaths, the water, the foreshore, roads, views across the Harbour and open countryside); and*
- The proposal is of a sympathetic design and materials which complement the landscape setting and any local vernacular; and*
- *The proposal does not diverge significantly from the spatial pattern of surrounding development and the spaces between buildings; and*
 - *That any extension to an existing two-storey or chalet bungalow dwelling remains subordinate to the original dwelling shape as can be evidenced by previous planning applications to extend the property or otherwise no taller than the height of the main roof ridge; and*
 - *The statutory requirement for biodiversity net gains will be met.*

- 7.17 Addressing these in turn. Paragraph 12.1 of the SPD also advises for both extensions and replacement dwellings that *when considering substantial increase, there should be no more than a 50% increase above the original footprint, or a 25% increase above the existing 'silhouette' (on any elevation visible from the wider landscape)*
- 7.18 The proposed replacement dwelling would have the same form, scale and massing of the property as would be the case after the implementation of the extant permission for the extension approved under reference; APP/21/01322.
- 7.19 In the consideration of the previous application no objection was raised from the Management Board for the resulting extended dwelling. Furthermore, no objection was raised to the scheme at pre-application. Essentially, the application would result in the approved form of the previous permission. This extension was considered to be below the thresholds set out in paragraph 12.1 of the SPD.
- 7.20 Additionally, paragraph 12.3 of the SPD further advises that the acceptability of any increase is also dependent on whether the site can accommodate such. The surrounding garden of Langstone Lodge is large. The previous application was considered to be suitable to the garden in that it could quite clearly be accommodated without disruption to the character of the AONB. There would be no change to this as a result of the proposed development. The dwelling would have the same resulting impact when viewed from the waterfront and sensitive locations which in turn is screened by neighbouring buildings and extensive tree cover. The proposal would therefore conform with the second and fifth point of PP03
- 7.21 Paragraph 12.2 of the SPD states that *for replacement dwellings, applicants are encouraged to submit proposed elevations and plans with the outline of the existing house, superimposed on the plans, so that the proposed size increase is obvious. The increase will be assessed on its impact as viewed from the wider landscape. This might be from the water, footpaths and roads or across open countryside.* In this instance the proposal is for a like for like of the approved development and this is clearly seen on the plans.
- 7.22 The result of such is that it is considered that the proposed replacement dwelling would not result in harm to the wider AONB with the proposal having neutral impact.
- 7.23 The guidance continues to highlight the importance of the design details of an extension including appropriate materials, proportionality of roof pitches, appropriate colours and fenestration details.
- 7.24 The proposed development is intended to as closely as possible reflect the character of the existing dwelling with the approved extension. To this extent the palette of materials

and design details will match those of the existing property. A condition can be included to any permission for the provision of such details including detailed drawings and samples of materials. The proposal would therefore conform with the fourth paragraph of Policy PP03.

- 7.25 In the consideration of the previous application for extensions the committee report stated:

The positioning of the proposal would have a localised impact on the character and visual appearance of the site and the immediate surrounds. The structures scale, design and appearance with suitable construction materials would enable the proposal to sit within the background and visual setting of other residential development.

The proposal would be screened by existing boundary landscape screening and enclosures and is distanced from these being set-back within the large site. The proposal would have a limited visual impact on the wider AONB protected national landscape character (considerations under AONB PP01, PP03, PP09). The proposal would result in some visual intrusion from the use, activity and artificial light generated from the glazed areas and any use of associated external outdoor amenity areas. The potential impact however would be limited due to the character of the surrounding area. Measures to limit, restrict, or remove unnecessary night-time illumination would still however need to be provided and enforced (to comply to AONB PP09).

The proposal is unlikely to have any significant impact or effect on the AONB in relation to wildlife conservation and protection (consideration under AONB PP01).

- 7.26 It should also be noted that the AONB advisory board did not raise objection either.
- 7.27 Whilst the proposal is now for a replacement dwelling as opposed to an extension the conclusion should remain unchanged. The proposal would still be the same amount of built form as the previously approved scheme.
- 7.28 It is therefore considered that the proposed development would accord with policy CS12, the NPPF and the Management Plan in this regard and would preserve the character of the AONB.

Impact on the Conservation Area and Heritage Assets

- 7.29 Langstone Lodge itself is not listed, however, is it is within the Langstone Conservation Area (made in 1975) and there are a number of Listed Buildings within the vicinity including some along Langstone High Street.

7.30 Policy DM20 states:

Historic Assets Planning permission will be granted for development that conserves and enhances the historic assets of Havant Borough.

Applications that 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.*

7.31 This is more restrictive than the NPPF which sets out that harm to heritage assets can be justified in the balance if the public benefits outweigh the level of harm identified.

7.32 *Proposals affecting heritage assets Heritage assets are an irreplaceable resource and consequently great weight will be given to their conservation. Development proposals should, in the first instance, avoid any harm to or loss of the significance of assets and any harm or loss considered unavoidable will require clear and convincing justification, irrespective of the level of that harm.*

Accordingly, development proposals will be permitted which:

- a. Protect, conserve and, where possible, enhance the significance, and ability to appreciate that significance, of designated and non-designated heritage assets and the contribution they make to local distinctiveness and sense of place; and*
- b. Make sensitive use of heritage assets, especially those at risk, through regeneration and re-use, particularly where redundant or underused buildings are brought into an appropriate use.*

Proposals likely to cause ‘substantial harm’ to the significance of a designated heritage asset

Development proposals that are likely to cause ‘substantial harm’ to the significance of designated heritage assets (either directly or indirectly, by being within their setting) will only be permitted where either:

- c. Harm is shown to be unavoidable and is minimised and it is clearly and convincingly demonstrated that the proposal is necessary to achieve substantial public benefits that cannot be achieved otherwise, and which would outweigh the harm or loss; or*
- d. All of the following circumstances apply:*

- i. The nature of the heritage asset prevents all reasonable uses of the site; and*
- ii. No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- iii. Conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
- iv. Harm or loss is outweighed by the benefit of bringing the site back into use.*

Proposals affecting the significance of a non-designated heritage asset

Development proposals that would have an effect on the significance of a non-designated asset will be determined having regard to the scale of any harm or loss and the significance of the heritage asset.

Proposals for the removal of part or all of a heritage asset

The removal of part or all of a heritage asset will only be permitted where it can be demonstrated that the approved replacement development will take place.

- 7.33 The application is accompanied by a separate heritage statement prepared by RPS which in turn is supported by a full structural survey by Hockley and Dawson. It is summarised, however, that it is neither practical nor viable to undertake the necessary repairs to the building to ensure its longevity. As highlighted within the Hockley and Dawson report, whilst individually these repairs could be seen as minor the in combination view is that they are substantial requiring a significant stripping back of the building which would leave it extremely exposed in future. It is therefore considered justified that the building should be demolished and rebuilt in a manner consistent with the approved extended form of the property.

Design and Impact on Character of the Area

- 7.34 Policy CS16 of the Local Plan sets out that planning permission will be granted for development that is designed to a high standard. Of relevance to this application, it goes on to say:

Responds to, draws inspiration from and respects local context and:

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

d) Is well connected to and integrates with the immediate local area and the wider area by linking to existing pedestrian and cycle routes and encouraging people to use public transport where possible; and

e) The development does not cause unacceptable harm to the amenity of neighbours through smell, the loss of privacy, outlook, noise and overlooking.

7.35 In addition to the guidance contained within the Chichester Harbour AONB the Council has produced its own Borough Design Guide SPD. The guidance offers little specific reference to replacement dwellings but its overall aim is to ensure that development would be appropriate for its setting both visually and in terms of impacts on neighbours.

7.36 The application effectively seeks to demolish the existing property and to rebuild it in a like for like manner incorporating the previously approved extension. That extension was considered to be acceptable in terms of the character and design.

7.37 Although the application is tantamount to a replacement dwelling – given the design approach as one to respect and replicate the existing dwelling with the extension it is considered that there should, in this regard, be no change to the consideration of such. As set out previously conditions could be attached to any permission to ensure that the dwelling was reconstructed in a suitable manner, these could control the materials and architectural detailing.

7.38 Owing to the nature of the application is certainly seeks to respect the current arrangement and would therefore have neutral impact in terms of the character of the area.

7.39 To this extent it is contended that the proposal would be of a suitable design which respects the character of the area in accordance with Policy CS16 of the Development Plan.

Impact on Residential Amenity

7.40 Policy CS16 sets out that development should *not cause unacceptable harm to the amenity of neighbours through smell, the loss of privacy, outlook, noise and overlooking*

7.41 Langstone Lodge is currently well separate from any neighbouring property ensuring that they enjoy suitable protection of their amenity. The proposed replacement dwelling would be of the same form and location in terms of the plot and would therefore not

change this scenario. The dwelling would remain well separate and not result in harm to the amenity of neighbouring properties.

- 7.42 It is therefore considered to conform with policy CS16 in this regard.

Trees

- 7.43 Policy DM8 states:

Development will only be permitted where it protects and enhances local habitats and landscape distinctiveness and which addresses all of the relevant criteria as set out below:

- 1. Protects natural features of nature conservation and/or amenity importance on the site, for example trees, woodlands, hedgerows, soils, streams, stream corridors, springs, ditches or ponds from damage, destruction and a deterioration in quality.*
- 2. Sympathetically incorporates existing features into the overall design of the scheme including measures taken to ensure their continued survival.*
- 3. Provides new landscape works that integrate successfully with the local environment and existing natural features, using local materials and plant species and making provision for future maintenance of new landscape works associated with new developments.*
- 4. Ensures sequences of greenspaces are maintained and protects the attractiveness and visual amenity of all green open spaces that contribute to the identity of the borough.*

- 7.44 The previous application was accompanied by a tree survey which examined the quality and condition of all the trees on site. It stated that some trees are in poor health whilst others remain healthy and their long term retention could be supported.
- 7.45 In considering the previous proposal it was considered that all aspect of the work would be outside of the root protection area of the relevant trees to the extent that, subject to suitably worded conditions around tree protection, there would be no adverse impacts to their longer term retention.
- 7.46 The proposed dwelling would sit in the same location as the extended dwelling as approved and accordingly it is considered that there should be no change to this position. Suitably worded conditions could be attached to any grant of permission to ensure tree protection, method statements, etc. are prepared prior to the commencement of development.

Other Matters

- 7.47 There is an opportunity to significantly improve the energy and water efficiency of the dwelling as a result of its redevelopment. Further there is an opportunity to use sustainable materials to ensure that carbon is embodied for the full carbon cycle of the building. As the proposal is for a rebuild it will need to be built to current building control regulations ensuring greater opportunities to meet and adapt to the challenges of a changing climate.

8.0 CONCLUSION

- 8.1 The application proposes the demolition of the existing property and the erection of a replacement dwelling. The replacement dwelling is designed to be a facsimile of the extended form of the dwelling as approved in 2022.
- 8.2 It has been demonstrated via the submission of the structural survey carried out by Hockley and Dawson that the existing building requires significant interventions for its longer term prospects. This report identifies that whilst these elements individually may be manageable the cumulative impact of such would leave the building at high risk of deterioration. This risk, it is argued, is of such extent that the proposal is justified in heritage terms.
- 8.3 The accompanying heritage report prepared by RPS sets out the case from a heritage perspective and concludes that the proposal is justified when regard is given to the balances within the NPPF.
- 8.4 The application would result in a like-for-like build and therefore would not result in adverse impacts in terms of impact on the character of the area, AONB or impact on residential amenity. Suitably worded conditions can be included to ensure that the finished build is of sufficiently high quality to preserve the site's interest.
- 8.5 Conditions can be included to ensure the longer term retention of trees and to ensure its energy and water efficiency.
- 8.6 Given the above it is contended that the application fully accords with the relevant policies of the local plan, the emerging plan and those contained within the NPPF. The proposal also fully accords with the relevant guidance documents which form a material consideration to the scheme.
- 8.7 We therefore respectfully ask that planning permission is granted.

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