



TOWN & COUNTRY PLANNING ACT 1990

APPEAL BY: MR FRY

LOCATION: 9 ST ALBANS ROAD, HAVANT, PO9 2JP

PROPOSAL: Demolition of the existing single storey side extension to be replaced with a two-storey side extension and the erection of 1No. 2 bed dwelling. Provision of four car parking spaces with the existing access widened to facilitate this off Dunhurst Close.

COUNCIL REF. NO: APP/20/00470

STATEMENT OF CASE

1.0 Introduction

1.1 This appeal is made following Havant Borough Council's decision to refuse planning application APP/20/00470 for the above development.

1.2 The planning application was refused for the following reason:

Reason 1:

"Having regard to the size and shape of this corner plot and its relation to adjoining dwellings and the highway, the proposed development by virtue of its size, siting and bulk would be an unduly dominant and incongruous feature within the street scene to the detriment of the visual amenity of the area, with inadequate amenity space for both future occupiers and the retained property. The proposal is therefore contrary to the adopted Borough Design Guide SPD 2011, Policy CS16 of the Havant Borough Local Plan (Core Strategy), emerging Policies H1, E1, E2 and E22 of the Submission Havant Borough Local Plan 2036 and the National Planning Policy Framework."

- 1.3 This appeal statement will demonstrate that the Council's reason does not accord with the current policy objectives of the NPPF, which has in principle support for sustainable development. Further the Council's decision seeks to restrict the Council's ability to deliver additional housing within this sustainable residential area, despite having an acknowledged housing shortfall.
- 1.4 In refusing the application the local planning authority has failed to account for the sustainability of the site and wider characteristics of the area. The proposed development would offer an integrated form of development that has full regard to the residential character of the area and neighbour amenity. The proposal would therefore enable a more efficient use of the site, providing much needed family housing within the borough whilst ensuring the key characteristics of the surrounding area are preserved.
- 1.5 This statement will demonstrate that the Council's reason for withholding planning permission is unfounded and that the application submitted does in fact accord with the relevant policies of the core strategy and the aims and objectives of the National Planning Policy Framework, 2021.

2.0 Site Description

- 2.1 The site is 0.04 ha of land located on the corner of St Albans Road and Dunhurst Close. The existing property on the site is a 2-bedroom 2 storey terraced house with single storey extension to the side and detached garage to the rear, the existing property as a whole sits on a reasonable sized plot with a generous sized garden to the side.
- 2.2 The site is level with an existing vehicle access from Dunhurst Close and pedestrian access from St Albans Road. The area as a whole is predominantly residential in character and the appeal site is surrounded on all sides by residential development.
- 2.3 Immediately to the south of the site is Dunhurst Close, beyond Dunhurst Close is No. 7 St Albans Road which is positioned at the end of a terrace of 2 storey houses. The boundary to this property consists of a mixture of low level and mature hedging. development which has relatively recently been completed with a mixture of detached, semi-detached and terraced 2 storey housing (12 units).

- 2.4 Immediately to the West of the site is No. 32 Dunhurst Close, this is a 2-storey end of terrace house. The existing detached garage on the application site forms part of the boundary along with a small brickwork wall. To the North of the site No. 11 St Albans Road, this is a 2-storey terraced house attached to No. 9 St Albans Road. The boundary with this property is made up of a timber fence. To the East of the site is St Albans Road. Beyond St Albans Road is No. 28 Flexford Gardens, this is a 2-storey end of terrace house. The boundary of this property consists of a 2m high brickwork wall.
- 2.5 The existing residential properties within the surrounding area of the site are predominantly 2 storey terraced housing that are similar in style, bulk and format. These properties also have common features such as off-road parking to the frontage of the properties and a variety of different boundary treatments.
- 2.6 The overall character of the area can therefore be considered as predominantly residential with a mix of dwellings of similar type, size and style found within curtilages of varying length and size.

3.0 Proposal

- 3.1 The application proposes the demolition of the existing single storey extension and detached garage to No. 9 St Albans Road and the erection of a two-storey house, with off-road parking for 2no. cars. The new proposed property will consist of 3 bedrooms and will be of similar proportions, bulk and height as the existing property No. 9 St Albans Road which the new house will adjoin. The design and detailing of the dwellings will appear similar in style and character to that of the existing properties in the locality with careful detailing to the proposed new property providing a common sense of identity and place.

Figure 1 - Understanding the Layout



The depth of garden and amenity provision is commensurate with that of the existing and neighbouring dwellings.

On-site parking for the existing and proposed dwelling. The parking area is an extension of the existing parking area and replicates the many examples of driveway found within Dunhurst Close.

The new dwelling extends the existing terrace, matching the scale, height and architectural style to appear as a natural continuation.

The development would retain the open space at the junction of St Albans Road and Dunhurst Close, in accordance with that of the surrounding area. In addition, the dwelling respects the set back from St Albans Road provided by the existing terrace.

Figure 2 – Examples of Extended Terraced Dwellings



- Application Site



The above dwellings all sit closer to St Albans Road, more so than that proposed. The examples all extend their respective terraces matching the height, form and scale and replicating the design of each terrace, as is proposed in this appeal scheme.

Figure 3 – On-site Parking and Layout



Dunhurst Close is characterized by frontages being given over to hard standing for on-site parking provision.

Illustration showing the stepped nature of the terraced dwellings within Dunhurst Close. The proposed dwelling sits within this build line

Figure 4 – Building Lines



- Appeal Site

The above images show three examples, in immediate proximity to the appeal site, of dwellings that sit forward of an existing terrace line and closer to St Albans Road. All of these examples are more prominent than the dwelling proposed from this street scene

4.0 Relevant Planning History

- 4.1 No relevant planning history for the appeal site.

5.0 Relevant Planning Policy

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, in determination of planning applications decisions are made in accordance with the development plan unless material considerations indicate otherwise.

5.2 National Planning Policy Framework 2021:

The National Planning Policy Framework (NPPF) was introduced on 27 March 2012 and was updated in 2021. It continues to establish a presumption in favour of sustainable development.

- 5.3 The NPPF makes clear that regard must be had to the document as a whole in determining what the Government's view of sustainable development means in practice. It promotes the effective use of land through the re-use of previously developed land.

- 5.4 There are three overarching dimensions to sustainable development: economic, social and environmental which are interdependent and need to be pursued in mutually supportive ways.

- 5.5 *"a) an economic objective – to help 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 a 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, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy” (Para.8 NPPF, 2021).

5.6 Paragraph 9 goes on to say:

“These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.”

5.7 Paragraph 11 details how development plans should apply a presumption in favour of sustainable development.

“For plan-making this means that:

a) plans should positively seek opportunities to meet the development needs of their area and be sufficiently flexible to adapt to rapid change.

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.

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 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 in this Framework taken as a whole.”

5.8 Paragraph 38 makes clear that *“Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.”*

5.9 Para. 60 states: *“To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.”* Para. 62 goes on to state *“Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).”*

5.10 It is considered that the proposed family dwelling accords with the objectives of the NPPF. The development would see a more efficient use of the site, providing much needed housing within the Borough of Havant in a manner that would be complementary to the surrounding residential area.

5.11 The site is sustainably located which allows access to public transport and access to local facilities by foot or cycle, thus reducing the reliance for car ownership. This is a key aim of the National Planning Policy Framework which states that there *“is a presumption in favour of sustainable development”* (NPPF, 2021, paragraph 11). The proposal would therefore accord with the objectives of the NPPF, 2021 in that it provides essential accommodation in an accessible location in keeping with the existing character of the area and without compromising residential amenity, as well as helping to contribute to the accepted housing shortfall for the borough.

5.12 It is maintained that the proposal offers a high-quality development, that is complementary to the existing residential area. The development offers good design whilst ensuring its form and layout is consistent with and complementary to the prevailing character and appearance of the area, as encouraged by paragraph 130 of the NPPF.

5.13 The development would meet sustainability objectives for energy through the build, the use of materials, and how the dwelling would be heated and insulated and how grey water is collected and recycled.

5.14 The new development is appropriate in respect of its scale, positioning, architectural style and use of materials and has little discernible impact from the public domain and would not result in unacceptable harm to neighbour amenity or highway safety.

5.15 It is considered that the proposed development would see a creative, sustainable scheme located in a well accessed, established residential area within the settlement boundary. Further the new dwelling would be of a good design and would make a positive contribution to the area, whilst respecting the residential amenities of neighbouring properties. The development would also increase the efficiency of the site and contribute to the provision of family housing within the area, where there is an identified shortfall and need. The proposal would therefore accord with the policy objectives of the NPPF, 2021.

5.16 **The Havant Borough Local Plan**

The Havant Borough Local Plan was [submitted for examination](#) to the Secretary of State for Housing Communities and Local Government on 12 February 2021. Until adoption, the Submission Local Plan has limited weight in determining planning applications. Little weight can therefore be attributed to the emerging Policies H1, E1, E2 and E22 of the Submission Havant Borough Local Plan 2036 cited in the decision notice.

5.17 **Havant Borough Core Strategy 2011**

The following policies of this document are considered relevant to the development proposed:

CS9 Housing: criteria 1 and 4 and supporting paragraphs 6.23 and 6.24.

CS16 High Quality Design: criteria 1 (a), (b), (c) and (e); criteria 2 (a) and criteria 6. Regard has also been given to the supporting text with particular reference to paragraphs, 7.39, 7.42, 7.47, 7.48, 7.49 and 7.50.

CS17 Concentration and Distribution of Development within the Urban Areas: criteria 1 and 2.

DM8 Conversion, Protection and Enhancement of Existing Natural Features: criteria 1, 2 and 3.

DM13 Car and Cycle Parking on Residential Development.

5.18 Havant Borough Residential Parking and Cycle Provision SPD, 2010

The development would seek to provide one number three-bedroom dwelling. Having regard to the parking standards within the SPD the development proposes two on-site parking spaces for the existing and proposed dwelling. It is considered that this would be in line with adopted parking standards for the site.

5.19 Havant Borough Local Plan (Allocations), 2014

AL1 Presumption in Favour of Sustainable Development and supporting text.

AL2 Urban Area Boundaries and Undeveloped Gaps between Settlements, particularly paragraph 2.06. This policy seeks to encourage development within the defined settlement boundary.

DM24 Recreational Disturbance to Special Protected Areas (SPA's) from Residential Development, criteria (a). It is understood that the site is within the SPA the applicant has therefore already secured the required SDMP mitigation payment, which can be confirmed by the LPA.

5.20 The development would be delivered with full regard to the above development plan policy framework. The proposal would provide an additional family home within a sustainable part of the Borough and included within the settlement boundary.

5.21 Housing Land Supply

The National Planning Policy Framework (NPPF) states that *“Local planning authorities should identify and update annually a supply of specific deliverable sites to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic strategies, or against their local housing need where the strategic policies are more than five years old.”* The latter should be calculated using the standard method set out in the Planning Practice Guidance.

5.22 Based on table 3 provided in the Council's document "*Five Year Housing Land Supply Update*" (November 2021) ((see Appendix 1), the Council is only able to demonstrate 3.9 years supply of housing with a 20% buffer, taking into account accumulated shortfall since 2016/17. Excluding any shortfall accumulated over recent years, the Borough's housing and supply automatically increase by a year to 4.9 years.

5.23 This leaves the Council with a housing shortfall that needs to consider alternative ways of making up this shortfall. This will include windfall sites such as this, which can be delivered quickly and efficiently and will have an immediate impact on housing delivery cumulatively.

6.0 Response to Local Planning Authority's Decision

6.1 The decision notice provides one reason for refusal. The first reason lists six areas of harm and are summarised as:

Size

Siting

Bulk

Unduly dominant and incongruous within the street scene

Harmful to the visual amenity of the area

Inadequate amenity space for both future occupiers and the retained property

6.2 Each of the points raised above for refusal reason 1 and included within the decision notice have been considered and will be responded to under the relevant sub-headings.

6.3 1) Size

The proposed dwelling seeks a continuation of the existing terrace to provide an additional three-bedroom dwelling. The height, width and depth of the dwelling follows the existing built form of the existing terrace, as well as the many other terraced dwellings in the immediate area. It is therefore unclear how the size of the proposed dwelling is harmful, out of scale or out of keeping. The appellant therefore maintains that the size of the proposed dwelling is very much in keeping with an accepted size and scale of dwelling already found in the area.

6.4 **2) Siting**

The proposed dwelling is a continuation of the existing terrace, its siting is therefore commensurate with the existing pattern and layout of residential development found within the immediate area. In fact, the siting is very much the best place for the dwelling proposed and maintains a natural continuation of the existing terrace, which is an established and accepted form of development that is prevalent within the immediate and surrounding residential area.

6.5 In addition the siting ensures sufficient on-site parking and amenity provision for both the proposed and existing dwelling.

6.6 **3) Bulk**

It is considered that bulk is a duplication of size and siting and as explained above the proposed dwelling is reflective of the width, depth and height of the existing terrace. Therefore, the overall bulk of the proposal is wholly in keeping with the character and appearance of the existing terrace and surrounding residential area.

6.7 **4) Unduly dominant and incongruous within the street scene**

Figures 2-4 above clearly show that the development is reflective of the existing built form and the approach taken for similar developments approved by the local planning authority. The development sits comfortably within the site and affords the same spacing found between existing dwellings and corner plots and street frontages.

6.8 The fact that the dwelling replicates the materials and built form of the existing terrace, with parking and amenity provision that replicates the immediate and wider area it is unclear how it can be concluded that the development is dominant or incongruous within the street scene. Instead, it is reflective of and characteristic of the existing built form and similar development proposals that have been approved by the local authority.

6.9 The current approach taken by the authority is therefore uncharacteristic of the area and inconsistent with previous decisions taken for similar forms of development.

6.10 **5) Harmful to the visual amenity of the area**

The proposed development would be constructed of materials to match the existing terrace to which it is attached. Further the height, depth and form would be continued.

- 6.11 The parking provision is positioned within the existing area for parking for 9 St Albans and is reflective of the many other driveways along the street frontage. The development therefore respects and replicates the existing design and built form of the area. As such it would be very much in keeping with as opposed to being harmful to visual amenity.
- 6.12 **6) Inadequate amenity space for both future occupiers and the retained property**
The development provides garden depths for each dwelling between 8 and 10m in depth, with widths of approximately 8m. This gives areas of between 64 and 80 square metres, which is more than sufficient for the passive recreational requirements of a three-bed dwelling.
- 6.13 The local authority appears to be fixated on the supplementary guidance which seeks to achieve garden depths of 10m for new dwellings, however it needs to be recognised that this is just guidance, and a full planning assessment needs to be made in considering whether a development has sufficient amenity provision.
- 6.14 For a terraced dwelling it would be possible to extend such a dwelling by 3m in depth under permitted development provision and up to 6m with prior approval (subject to various criteria). On this basis it would be possible to have a dwelling that started off with a 10m garden that could then be reduced to 7m or less. This is considered to be a significant material planning consideration when considering sufficient amenity provision. This is because the government have made clear attempts to facilitate the ability for dwellings to be extended to meet current need and demand, with less emphasis placed on the need to maintain excessive garden depths and sizes.
- 6.15 Having regard to this material planning consideration a garden depth of 8-10m, which is over 7m in depth is clearly within the realms of acceptability when it comes to sufficient amenity provision for a terraced property. This point was highlighted to the case officer but was ignored as part of the decision-making process.

7.0 Summation of refusal reason 1

- 7.1 The development is reflective of the existing scale, design and form of the existing terrace, with a layout and development approach that is found within the immediate residential area. It is considered that this is an acceptable basis to work to with the design and scale of the development influenced by the design of the neighbouring

terrace property and dwellings that already form similar residential additions to existing terraces.

- 7.2 In respect of neighbour amenity it has been demonstrated that the development maintains acceptable distances between existing and proposed dwellings and ensures the site can be efficiently developed without resulting in unacceptable harm to neighbour amenity, with particular regard to overbearing effect, overshadowing, loss of privacy and overlooking. Further the development provides sufficient on-site parking and amenity provision.
- 7.3 It is therefore concluded that there is no substantive or evidential basis to support the assertions made within refusal reason 1 and that its inclusion is both unnecessary and unreasonable. Refusal reason 1 also fails to consider local and national policy requirements, particularly for sustainable sites with an identified shortfall in housing provision.

8.0 Conclusion

- 8.1 The appeal statement has clearly shown that the proposal has been designed and developed around the parameters and requirements of relevant development plan policy. The proposed development would see the provision of a family dwelling with associated garden and parking. Further the site would be sustainably located within close proximity to the services and facilities provided in Havant Town Centre.
- 8.2 The development makes an efficient use of land within the settlement boundary and provides much needed family accommodation in an authority with an established and accepted shortfall in housing provision. Further the development would add to the variety of dwellings within the immediate area, ensuring the design and layout reflects the established character and pattern of development found within the immediate residential area whilst respecting existing built relationships and protecting neighbour amenity.
- 8.3 It is therefore contended that the Council has failed to recognise the positive contribution the development would make to the immediate area as well as the provision of much needed family accommodation; their decision proving contrary to both their own development plan policies and that of current national plan policy.
- 8.4 Having regard to the above information it is considered that the appellant has suitably addressed the reason for refusal provided in the Council's decision notice. The Inspector is therefore respectfully requested to allow the appeal proposal.