

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

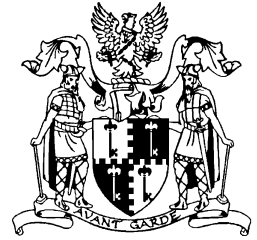
**STATEMENT OF
HAVANT BOROUGH COUNCIL**

4 East Pallant, Havant, PO9 1EA

**Local Planning Authority Reference:
APP/15/01276**

**Planning Inspectorate Reference:
APP/X1735/A/16/3144551**

HAVANT BOROUGH COUNCIL



TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)

APPEAL BY MR BRADWELL AGAINST THE DECISION OF HAVANT BOROUGH COUNCIL TO REFUSE TO GRANT PLANNING PERMISSION FOR THE - Variation of conditions 7 and 8 of Planning Permission 05/65703/005 to remove existing front wall and gate to create new entrance and construction of new dividing boundary with brickwork and railings to match existing boundary to east at 4 East Pallant, Havant, PO9 1EA

Planning Inspectorate Reference: APP/X1735/A/16/3144551

LPA REF: APP/15/01276

1.0 THE APPEAL SITE AND ITS SURROUNDINGS

- 1.1 The site comprises of 1No. pair of semi detached 3 bedroom houses. The site is located within St Faiths Conservation Area and is accessed off East Pallant with a pedestrian footpath running down past the eastern side boundary. Prior to the site being developed for housing it contained a single storey prefabricated building with a pitched felt roof which was used as a centre for the British Red Cross Society.
- 1.2 To the west of the site is a detached house with access from Fairfield Road and to the east the backs of a pair of Victorian semi detached houses and two detached houses with front Beechworth Road. No.1 Beechworth Road has a garage adjacent to the pedestrian path that runs past the eastern boundary of the site. On the south side of East Pallant is a high brick wall, which bounds a car park and Empire Court Flats.

2.0 PLANNING HISTORY

- 2.1 32998
Red Cross Centre. Permit 8/11/85 for a limited period expiring 31/12/1994. A condition was imposed limiting the use solely for the benefit of the British Red Cross Society.

03/65703/000

Demolition of existing Red Cross Centre and erection of a pair of semi detached 3 bedroom dwellings with car parking, utilising existing access to East Pallant and associated landscaping. Refused 10/11/03. Granted on Appeal 04/04.

03/65703/001

Application for Conservation Area Consent for the demolition of Red Cross Centre. Consent granted 10/11/03.

04/65703/002

Demolition of existing centre and construction of 2 no. 2 bed flats and 2 no. 1 bed flats. Refused.

05/65703/003

Demolition of centre and construction of 2 No. 2 bed flats and 2 No. 1 bed flats. Withdrawn

05/65703/004

Demolition of existing centre and construction of 4 No.1 bed flats, (revised submission). Permitted

05/65703/005

Demolition of existing centre and construction of 1 No.pair of semi-detached 3 bedroom houses. Permitted

3.0 THE APPLICATION

- 3.1** The application the subject of this appeal seeks permission for the variation of condition application to remove existing front wall and gate to create new entrance. Construction of new dividing boundary with brickwork and railings to match existing boundary to east. The conditions that are required to be varied to allow these changes are conditions 7 and 8 of 05/56703/005;

Condition 7

The dwellings shall not be occupied until the parking and turning area and the access has been constructed in accordance with the approved plan and surfaced in materials approved in accordance with Condition 6. The parking and turning area shall thereafter be retained.

Reason: *In the interests of the amenities of the locality and having due regard to policies and proposals UB3 and T5 of the Hampshire County Structure Plan 1996-2011 (Review) and 7 (Part 2) of the Havant Town Centre Action Area Local Plan 1980.*

Condition 8

The soft landscaped areas created in accordance with Condition 6 shall be retained as landscaped areas thereafter and shall not be used for the parking of vehicles.

Reason: *In the interests of the amenities of the locality and having due regard to policies and proposals UB3 and T5 of the Hampshire County Structure Plan 1996-2011 (Review) and 7 (Part 2 and Part 4) of the Havant Town Centre Action Area Local Plan 1980.*

- 3.2** The application was determined by delegated powers on the 14th January 2016 and was refused for the follow reason;

The proposed development would fail to protect and enhance the Conservation Area and would therefore adversely affect the character and appearance of the St Faiths Conservation Area by reason of its design including the loss of enclosure with resulting visual over dominance of parked cars. It is therefore contrary to policies CS11.4 and CS16.1(a) of the Havant Borough Local Plan (Core Strategy) 2011 and paragraphs 126 and 131 of the National Planning Policy Framework 2012.

4.0 PLANNING POLICY

- 4.1** The Development Plan comprises the Havant Borough Local Plan (Core Strategy) 2011 and the Havant Borough Local Plan (Allocations) 2014. In addition the National Planning Policy Framework sets the national framework for the consideration and

determination of planning applications.

- 4.2 The following policies of the Havant Borough Local Plan (Core Strategy) 2011 (HBLP (CS) 2011) are considered to be particularly relevant to the determination of this appeal:

CS16	(High Quality Design)
CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
DM13	(Car and Cycle Parking on Residential Development)

More details in relation to the relevance of these policies will be provided in part 6 of this appeal statement.

5.0 REPRESENTATIONS

- 5.1 The application which is the subject of this appeal was published in accordance with the Council's adopted publicity procedures, and 35 neighbour notification letters were sent. In addition a site notice was posted. No representations were received
- 5.2 Consultations were carried out and consultation replies were received from the following:

Conservation Officer:

Part of the planning role is to raise the standard of design and achieve visual enhancement where practical.

The proposal represents a net increase in parking on the site, a loss of enclosure to the street and a consequential reduction in the screening for the parked vehicles. There will therefore be an overall negative impact on the character and appearance of the conservation area. I note the comment about the possible intimidating use of the footpath. This is however more likely a consequence of the size of vehicle rather than the presence of the wall. The wall surmounted by railings provides the benefit of enclosure without being as imposing as a solid wall.

Although, in my view the proposal will cause some harm to the character, it is relevant to consider whether this can be justified by a wider public benefit. The only perceivable public benefit would be improved highway safety. My non-expert view is that whereas turning on site at present may in some instances be problematic, in the revised scheme it will be non-existent. The expectation therefore is that vehicles will reverse onto the narrow one way system. The visibility for seeing users of the footway is poor. I can foresee the small section of retained wall being vulnerable to damage with subsequent pressure to remove. The new tree planting proposed (in mitigation) appears unrealistic in the assigned locations – your Arboricultural officer will be in a better position to verify.

The layout as shown on the existing plans is inaccurate. A much smaller planting area exists adjacent to parking space 3. There is no tree. Some reasonably effective screening is provided by bamboo. There is no automatic gate.

The Highway Engineer who has been consulted will be able to provide expert technical advice. Unless there is a compelling highway case to suggest the changes improve highway safety, justification for the work is lacking. My expectation is the changes will worsen highway safety and if the scheme falls to be determined would fail on highway grounds. The negative impact on the conservation area would be a supporting reason for refusal.

On the basis of the current information I can not support the proposed changes for the reasons set out.

Development Engineer:

A lot of work has gone into proving that this will work and it shows that vehicles will drive into the spaces and reverse out. The proposals are acceptable to the Highway Authority taking into account the one-way system and the slow speeds within The Pallant.

Because of the tightness of the turning movements it is important that the works are built exactly to the “overly” plan with regard to the position of the wall and the proposed trees. It is important and that the sight lines though the railings are not impeded in any way by vegetation etc. and I suggest that this is covered by a planning condition

A planning condition needs to be imposed with regard to the need for a modification of the existing vehicular crossing

County Archaeologist

Past archaeological observation at the site identified that the previous Red Cross building had severely compromised the archaeological potential of this location, and additionally in view of the small scale of the proposal, no archaeological issues raised.

- 5.3 Copies of the consultation replies have previously been forwarded to The Planning Inspectorate.

6.0 PLANNING CONSIDERATIONS

- 6.1 Having regard to the relevant policies of the development plan, and the reason for refusal given in the Decision Notice dated 14th January 2016, it is considered that the main issue for consideration is:

Whether the proposed development would fail to protect and enhance the Conservation Area and would therefore adversely affect the character and appearance of the St Faiths Conservation Area by reason of its design including the loss of enclosure with resulting visual over dominance of parked cars.

- 6.2 When this former Red Cross site was re-developed as a site for housing it was designed such that the car would not overly dominate the front of the dwelling houses. The initial scheme for the redevelopment of the site, 03/65703/000, was refused on the grounds that the scheme would be an overdevelopment of the plot. However, the scheme was allowed at planning appeal and the Inspector concluded that he could see no harm from the siting of the parking and turning area at the front of the property and, furthermore, that the extent of the parking would be much reduced from that to front of the existing building to that designated to the front of the proposed building. The Inspector concluded that, rather than parked cars, the building would be the dominant feature of the site.
- 6.3 It is considered that the implementation of the later approved scheme 05/65703/005, a scheme that maintained the parking and turning area as approved at appeal and supported by the Inspector, positively enhanced the visual appearance of the conservation area by allowing the buildings within the site to be the dominant feature rather than the car parking area. As such, the existing front boundary wall and railing, along with the generous landscaped area, enhance the visual amenities of the CA by screening the hardstanding and allowing the building, that are of

designations.

- 6.4 The site currently achieves the requirements of the policy and has replaced dilapidated pre-fab building with a well thought out and attractive scheme. It is considered that this application to vary conditions 7 and 8 to allow a revised parking layout with central wall will not allow sufficient space for an appropriate level of landscaping and that the level of hardstanding will dominate the visual appearance of the site rather than is currently the case the building. The Council's Conservation Consultant has advised that this would be a retrograde step that should only be acceptable if there is an overriding justification, such as increased highway safety. The Council's Development Engineer has concluded that, despite initial concerns, the proposed parking could be constructed at no additional risk to other users of the highway but that the proposals are acceptable and not required to improve the current layout of the site. The Development Engineer was involved when the re-development of the site was allowed. The existing layout was given much consideration with regard to meeting both the requirements of highway safety and the protection and enhancement of the Conservation Area.

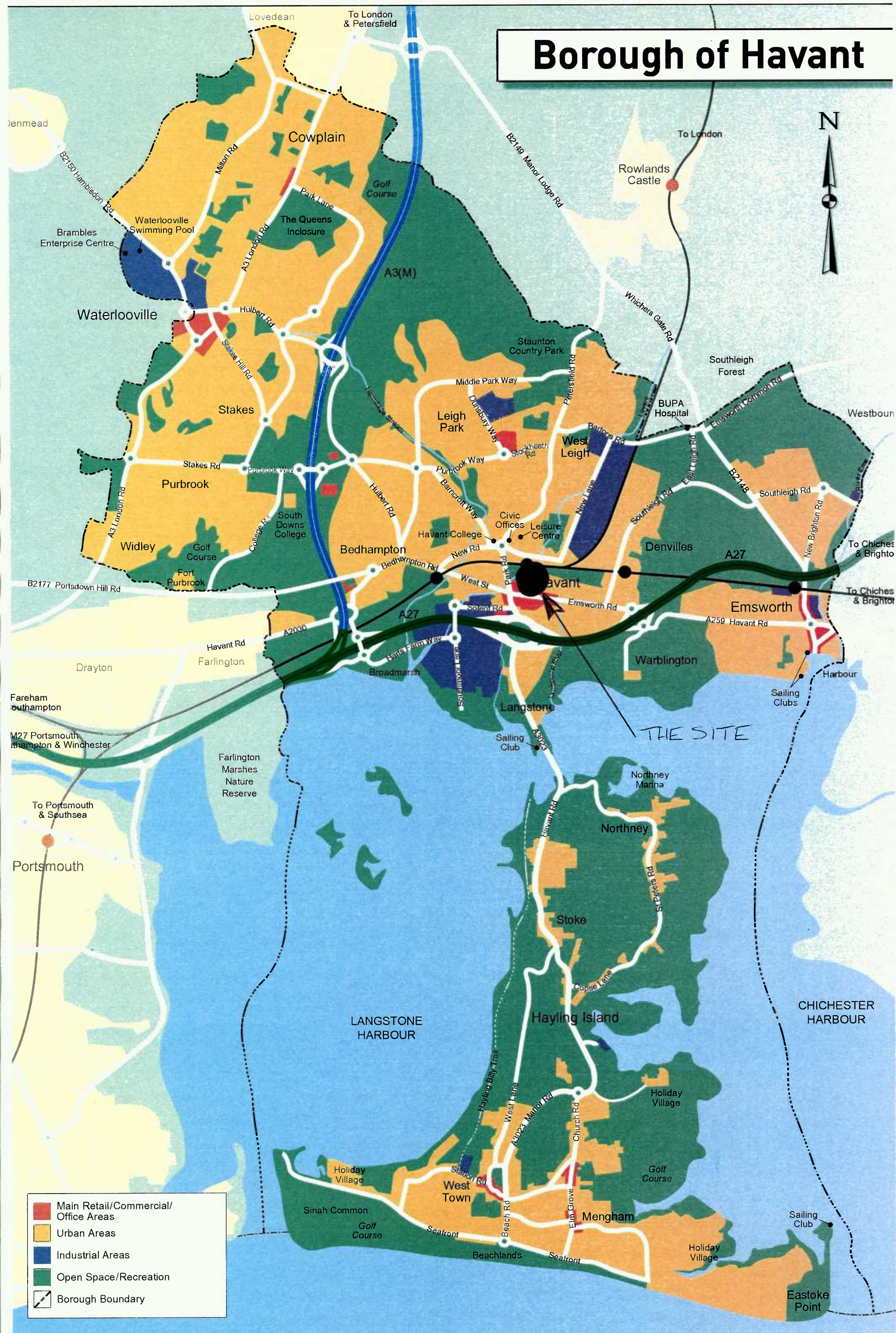
7.0 COMMENTS ON THE GROUNDS OF APPEAL

- 7.1 It is considered that the planning merits comments have already been addressed above.

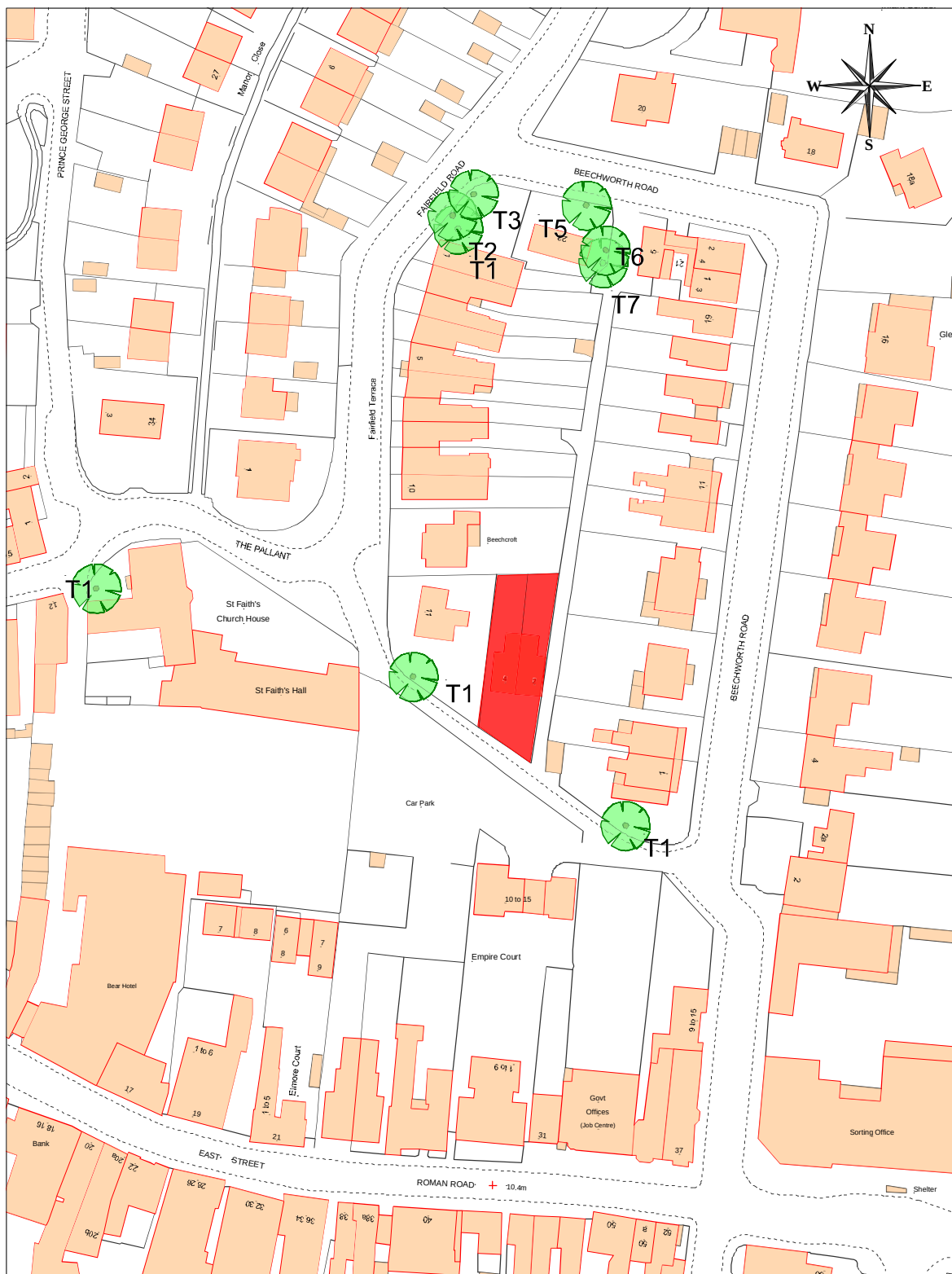
8.0 CONCLUSION

- 8.1 It is considered that this application which seeks to variation condition 7 and 8 of 05/65703/005 should be refused consent for the reason recommended below; as the scheme would be detrimental to the visual amenities of the conservation area and the Council has a duty to protect and enhance heritage designations within the Borough. Therefore it is considered that the scheme would not accord with policies CS11.4 and CS16.4 of the Local Plan.

Borough of Havant



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



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Title:

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APP/15/01276
4 East Pallant, Havant
PO9 1EA

Drawn By:

Scale:

1:1250

Drawing No:

Cleaner, Safer, More Prosperous