



Town and Country Planning Act 1990

**Development of 1 No. 3 bed dwelling on Land
adjacent to 48 Station Road, Hayling Island,
PO11 0EQ**

Written Representations Appeal
Statement of Case

Appellant: Mrs S Wrixon
Local Planning Authority: Havant Borough Council

July 2015

PWP Architects, 61 South Street, Havant, Hants, PO9 1BZ.

t: 023 9248 2494

f: 023 9248 1152

w: www.pwp-architects.com

Introduction

PWP Architects were appointed by the appellant to design a dwelling on land adjacent to her former house No. 48 Station Road, Hayling Island. This appeal is lodged against the decision of Havant Borough Council (HBC) to refuse full planning permission for the proposed single storey dwelling under reference APP/15/00037.

48 Station Road originally sat in a large square plot of land with the house situated at an angle across the site. My client separated an area of the site off (the appeal site) and separately registered this plot with the Land Registry.

The house at 48 Station Road together with its reduced garden was sold in September 2014 with the purchaser in full knowledge of the intentions of the Appellant to construct a single storey dwelling on the appeal site plot. Indeed this was written up into the TP1 Land Registry transfer agreement between both parties.

The planning application was submitted to the Council on 9th January 2015, registered on 16th February 2015 and was refused planning permission by the planning officers under delegated authority. The decision notice is dated 22nd April 2015. There were three reasons for refusal given and commentary on each reason is given in our main text below. One sole reason for refusal focuses on the office element of the application and is as follows:

The Appeal Site and Surroundings

The site is situated in a residential area on the South-West side of Hayling Island off the private road that runs north of Station Road and serves No.s 48 and beyond.

The unnamed private road has an element of parking associated with No. 46 Station Road, formally a bank but now converted into flats. The residents of all the houses that address this private road have their own on-site parking and therefore use the private road for access only. No. 48 Station Road is a large Villa circa 1920-1930* set at an odd angle to the development that has grown up around it in subsequent years. All other surrounding properties address their various access roads at right angles.

** We described the house as a Victorian villa in our design and access statement as this was what the client believed. We have now studied some old map data and this confirms the revised date.*

The surrounding properties are a complete mixture of sizes and styles. Currently there are SIPs houses in a contemporary style being built to the West (See Havant Borough Council approved Planning Application APP/14/01228), this development is clearly visible from the site and underlines the diverse nature of the local architecture.

The Proposals

The brief was to provide a spacious open plan modern 3 bedroom home which has to be single storey and yet left enough of the plot over to garden spaces. As the only access onto the plot is from the west, this is the focus of the entrance. Car parking was set out directly off the

private road within the houses public space.

To the rear of the parking area is the gate in the 'thick wall'. This gate and wall separate the public from the semi-public areas. Through the gate the path leads to a traditional front door. The house is arranged into 2 wings a dominant curved wing that uses the entrance as its focus. This wing encloses the main living and kitchen spaces of the house. The subservient wing runs along the North West boundary of the plot and this contains the bedroom and bathroom accommodation of the house. The arrangement of the wings form an intimate private courtyard garden space which is south facing and this is excellent family space.

The applicant has made an agreement with the new owners of No. 48 Station Road about the constraints of any build on the site. These limited the development of the site as follows: The developer will not erect more than one single storey ground floor bungalow which shall not exceed 4.5 metres in height from floor to ridge. In actual fact the proposed design is significantly below these constraints.

Initially the client wanted a design with a courtyard surrounded by built accommodation but was persuaded through architect's sketches that this was not perhaps the best option. The semi-open courtyard as per the proposals allowed a greater amount of southern light and particularly sunlight into the principle rooms.

We felt that as the external spaces were such an important part of the success of the design of the new house we have emphasized that the landscape design needed to be considered from the scheme's inception. To this end we have submitted a full landscape proposal for both hard and soft landscaping with this application.

The vehicular entrance into the proposed site was the original access onto the private road for No. 48 Station Road before the plot was partitioned. A second vehicle entrance was put in to serve No. 48 after the site was separated.

Further details of the proposals are to be found in the design and Access statement, submitted with the application.

Relevant Planning Policies

Policy CS6 REGENERATION OF THE BOROUGH

Planning permission will be granted for development which positively contributes by type of use and design and by its comprehensive approach to the social, economic and/or physical regeneration of the whole borough, particularly when it is focused in the following places as shown on the Proposals Map:

1. Havant Town Centre, with particular focus on:

- a. Market Parade.*
- b. Havant Railway Station.*
- c. Connectivity with the Public Service Village.*
- d. Connectivity between Solent Road and West Street.*

The design will positively contribute to the area through good and sensitive design. It uses land which is currently underused and this is a positive characteristic in the urban landscape on the end of the 'Town Centre' designation. The proposed design is very sustainable using highly insulated construction methods and solar power on site generation.

Policy CS15 FLOOD AND COASTAL EROSION RISK

Development in areas at risk of flooding now and in the future as identified on the latest Environment Agency flood risk maps and Strategic Flood Risk Assessment climate change maps will only be permitted where:

- 1. It meets the sequential and exception test (where required) in relation to PPS25*
- 2. The site is located in a low hazard area as defined in the Strategic Flood Risk Assessment*
- 3. A site-specific flood risk assessment demonstrates that the development will be safe, including the access, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.*
- 4. The scheme incorporates flood protection, flood resilience and resistance measures appropriate to the character and biodiversity of the area and the specific requirements of the site.*
- 5. Appropriate flood warning and evacuation plans are in place*
- 6. New site drainage systems are designed taking account of events which exceed the normal design standard*

All development will be required to ensure that there is no net increase in surface water runoff. Priority should be given to incorporating Sustainable Drainage Systems (SuDS) to manage surface water drainage, unless it is proven that SuDS are not appropriate. Where SuDS are provided arrangements must be put in place for their whole life management and maintenance.

The council will work with partners to implement the Coastal Policy Zones in the North Solent Shoreline Management Plan to ensure that development avoids areas at risk from coastal erosion and coastal flooding and that areas are required to offset coastal squeeze and prevent habitat fragmentation, to allow species to adapt to climate change, are identified and protected from development.

Policy UA1 CONCENTRATION OF DEVELOPMENT WITHIN THE URBAN AREAS

Development will be concentrated within the urban areas of Havant, Waterlooville, Emsworth and South Hayling as shown on the Proposals Map. Priority will be given to the development of sites within the urban areas before peripheral sites, in accordance with Policy UA2 and the sequential approach for new housing, commercial and retail development as set out in the Housing and Town, District and Local Centre policies.

Outside the urban areas and the other smaller settlements shown on the Proposals Map development will only be permitted if it is consistent with the policies for the countryside, coast

and strategic gaps.

~~This proposal is a one for one replacement of an existing family home on a brown field site.~~

D1 HIGH QUALITY DESIGN

Development will be permitted provided it achieves [in terms of siting, massing, scale, proportion, alignment, rhythm, layout, materials (finishes, details, features) spaces and views] all of the following:

- i) Creates an attractive environment that has its own distinctive identity but which respects and enhances local character.
- ii) Ensures the efficient use of land.
- iii) Provides safe and convenient access to facilities and public transport.
- iv) Does not adversely affect the amenities of occupiers of neighbouring properties.
- v) Includes existing built and natural features such as trees, walls, watercourses and historic boundaries.
- vi) Reduces the possibility of crime or anti-social behaviour.
- vii) Maximises solar gain and energy conservation.
- viii) Maximises water conservation and utilises sustainable urban drainage systems.

The Case for the Appellant

Point-by-point Response to the Council's reasons for refusal

Council's reason for refusal 1:

1 Development of the site in the manner proposed would amount to a high degree of built coverage and over-development of this small and irregularly shaped site. Development would give rise to an unsatisfactory plot size and to a cramped, congested and heavily built-up layout, including extensive hard surfacing and parking space across the narrow site frontage, which would be out of keeping with and harmful to the character and appearance of the locality. The proposal is therefore contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, the Havant Borough Design Guide SPD 2011 and the National Planning Policy Framework 2012.

Answer:

- 1.1 The site is an irregular shaped plot, however, this is not unique in Hayling Island, where, particularly infill development plots are irregular in shape. This particular irregularity is caused by the placement of No. 48 Station Road diagonally across a square plot. We feel that irregularity of the shape of the plot in itself should not be a reason for refusal. The design of the house has sought to deal with the angles and we feel that this is one of the successes of the final presented

scheme. The proposed house addresses and follows the line of the angled boundary and the rear wing, with its focus and curved wall resolves the geometry.

1.2 It is clear from the comparative sites we have cited below, that the plot size of the appeal site is equal to one example and significantly in excess of all the other comparisons. We feel that the LPA were wrong to state that the appeal site was an unsatisfactory plot size.

1.3 We have sought comparable developments, which have been approved by Havant Borough Council. We have restricted these comparisons only to developments on Hayling Island. We have also discounted any applications for replacement dwellings, as this would not be a fair comparison. All the cited developments are similarly of either 2 or 3 beds. We have not wholly restricted comparisons to single storey dwellings. We do not believe that a single storey dwelling deserves more amenity space around it than a 2 storey dwelling. Please note the disparity of amenity space between plot 1a, 2 bed bungalow and plots 2 & 3, 3 bed houses, on the comparison site at 151-153 Southwood Road, Hayling Island.

1.4 To allow simple comparison with similar sites we have created a table that shows overall site areas, parking and public spaces in the ownership of the dwelling, Main private amenity space and ancillary private amenity space.

1.5 Comparative Table

Table showing comparative data between the appeal site and selected comparison approved developments						
<i>Site Name and plot if applicable</i>	<i>Planning application number</i>	<i>Dwelling Type and No of beds in dwelling</i>	<i>Overall site area</i>	<i>Parking and Public spaces in the ownership of dwelling</i>	<i>Main private amenity space</i>	<i>Ancillary private amenity space</i>
48 Station Road Hayling Island Appeal site	APP/15/00037	Single storey 3 Beds	364m ²	56m ²	94m ² (including front private garden and courtyard Garden)	28m ² .
Plot 1 151-153 Southwood Road, Hayling Island	APP/13/00553	Single storey 2 Beds	364m ² (Excluding turning head)	81m ²	150m ²	0m ²
Plot 2	APP/13/00553	2 Storey 3	154m ²	33m ²	64m ²	0m ²

151-153 Southwood Road, Hayling Island		Beds				
Plot 3 151-153 Southwood Road, Hayling Island	APP/13/00553	2 Storey 3 Beds	181 m ²	40m ²	75m ²	0m ²
Plot 2 60 Creek Road, Hayling Island	APP/14/00185	2 Beds	228m ² (Excludi ng turning head)	63m ²	94m ²	0m ²
Plot 3 60 Creek Road, Hayling Island	APP/14/00185	2 Beds	214m ²	65m ²	69m ²	17m ²
18 Glebe Close Hayling Island	APP/13/00619	2 Beds	336m ²	88m ²	152m ²	0m ²

1.6 The comparison sites in the table above prove that the LPA have approved significantly smaller sites with similar dwellings in the recent past. If these approved developments were deemed to be in accordance with policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, the Havant Borough Design Guide SPD 2011 and the National Planning Policy Framework 2012. It is difficult for the local authority to argue that the appeal site should have been refused where it occupies a larger site (over double that of Plot 2 151-153 Southwood Road, Hayling Island), and in many cases significantly more private amenity spaces.

1.7 The design was very carefully considered so that the house was as large as the client required but was focused on a very private central courtyard with other areas of open private amenity space. On the edge that was along the boundary with No. 48 significant reductions in height were achieved to present an eaves level of only 2.4m for the majority of the proposed building length. Only towards the rear of the site was this height increased to a brief high point of 3.85m, before reducing down to 2.95m for the rear curving wing of the dwelling. This section of the building was reduced down by 0.25m during the planning process after a meeting with the planning officer.

- 1.8 The first refusal states that there is excessive hard surfacing. The application was accompanied by a full landscaping design. On the site the external spaces are a mixture of grass, pavements and white pea gravel. We feel this to be a mixed and appropriate palette of materials. Many gardens nowadays are not merely laid to lawn with flowerbeds on each side. The design of the external space reflects a modern approach to gardens and we feel that this criticism is unfounded.
- 1.9 On an infill plot, a narrower frontage is to be expected. Many houses are accessed via a driveway with the plot only opening out towards the house. In this instance, the plot frontage is 5.4m. The mature planting is retained on the southern side of this frontage and the car parking is in tandem. This leaves enough room for people on foot to pass by comfortably. Again referring to the comparison sites Plot 1, 151-153 Southwood Road, Hayling Island, has a plot frontage of only 4.4m and is effectively a long narrow driveway with only a modicum of landscaping. We feel that the appeal proposals for the frontage are not in anyway harmful or out of keeping with the locality.

Council's Reason for Refusal 2:

2 Having regard to the size and shape of the plot and its proximity to the site boundaries and adjoining houses and gardens, the proposed development would not maintain sufficient separation with neighbouring properties and would concentrate noise and domestic activity, such as that emanating from the use of outdoor spaces, from open windows and doors and from vehicle parking and pedestrian access, close to the neighbours. Furthermore the size and extent of the building would give rise to an overbearing impact and loss of light to neighbours. This would be detrimental to the visual amenities and the quiet enjoyment of the adjoining residents and it would be therefore contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, the Havant Borough Design Guide SPD 2011 and the National Planning Policy Framework 2012.

Answer

- 2.1 Boundaries to all sides of the development site are of varying materials, ranging from close boarded fencing to concrete block walling. All boundaries are a minimum of 1.8m high. The boundary fences/walls with No. 11 West Lane and the majority of the southern boundary are 2.1m high.
- 2.2 The LPA state that there is insufficient space between the proposed development and the adjoining houses and that the domestic activity of the proposed house both inside and out would disturb the adjoining neighbours.
- 2.3 The main outdoor private space of the proposed dwelling is on the south side of the site. Along this section of the boundary is the communal garden and parking area to the rear of the flat development at No. 44 Station Road. As the previous use of the appeal site land was part of the large garden area of No. 48 Station

Road we suggest that the status quo would be maintained.

- 2.4 Windows and doors have been carefully sited on the proposed building. Most of the windows and doors face directly onto the courtyard garden. There are no windows on the North West wall that faces No. 48 station road. Rooflights light a connecting corridor at this point. We would have been happy to accept a condition that these were to be fixed rooflights; if the LPA had requested it; however as a corridor it would be reasonable not to expect the noise of domestic activity to be created here.
- 2.5 The only door that opened out onto another part of the site is in the North East corner of the site. This opens onto a paved area, from the dining area, of the proposed dwelling. This door is over 3 metres away from the boundary of the nearest house (No. 15 West lane). On the opposite site of this shared boundary No. 15 West Lane have a large single garage (3.5 x 7m) at this point. We conclude that this door would have no effect on the neighbouring property.
- 2.6 The parking area is accessed off an original vehicular access onto the site. The parking area is entirely adjacent to the parking area of No. 48 Station Road. The existing close boarded fence would not allow light from headlamps to disturb the residents of No 48.
- 2.7 Parking on either side of a shared boundary should be acceptable in this suburban setting. Indeed it is the norm.
- 2.8 A separation distance in excess of 0.6m has been maintained along the North West boundary shared with No. 48 Station Road. This purposefully allows for access for maintenance and nothing else. As a single storey building with a low pitched roof and the lowest eaves level of the whole proposed building at this point, behind a 1.8m high close boarded fence, we considered that this would have very little impact on the neighbour at No. 48.
- 2.9 We are surprised that, the Local Authority has suggested the proposed single storey building would have an overbearing impact and loss of light to its neighbours.
- 2.10 The planning officer's report states that, "The Design Guide daylight test has been applied and the results indicate the proposed building would not in itself cause a loss of daylight to rooms within the adjoining dwelling." Therefore it is clear that the only loss of light referred to in the reason for refusal 2 must be to garden areas. As 'Site Layout Planning for Daylight and Sunlight A Guide to Good Practice, Paul Littlefair (BRE publication)." Only discusses the effect of surrounding buildings reducing sunlight within garden areas, the planning officer should have been specific in his reason for refusal that his concerns were only regarding Sunlight only to the gardens and not daylighting.
- 2.11 We consider that any single storey building, such as proposed, should not be perceived as a loss of light issue. Especially when surrounded by an existing tall fenced boundary.
- 2.12 We discussed the issue with the planning officer at our meeting on 25th March 2015. We presented animated sun studies to demonstrate the effect on No. 48 Station Road. As the planning officer had agreed that this was the only property

that could be affected.

The sun studies were created using accurate Archicad software. Archicad is the 3D modelling programme on which the drawings were produced, so there was no opportunity to amend the results.

The planning officer stated that he had to have the sun study information in a 2d form and therefore, we prepared our drawing '4443_1203A_Comparative Sun Studies', which was submitted to the LPA on 27th March 2015. In the covering e-mail we stated that "We suggest that the effect of the building is minimal and well within acceptable reductions as referred to in 'Site Layout Planning for Daylight and Sunlight A Guide to Good Practice, Paul Littlefair (BRE publication)."

- 2.13 Site Layout Planning for Daylight and Sunlight A Guide to Good Practice, Paul Littlefair (BRE publication). Is a document that the LPA have themselves referred to in other planning applications that we have dealt with.
- 2.14 The owner of No. 48 Station Road objected to the proposed scheme and included a reduction of daylighting to his house and garden. The only room that it could be argued affected is the lounge which has 5 doors or windows servicing it as follows, Bay window facing South West, 3 No. windows of 1.2 x 1.2m facing South East and a pair of French doors facing North East. Of these windows only one of the 1.2 x 1.2m windows has the proposed building in front of it and in this case the Vertical Sky Component (VSC) is 30degrees.
- 2.15 No. 46 Station Road. Formally a bank but now converted into flats. To the rear of No. 46 is a communal garden, which backs onto the appeal site. The North West corner of the communal garden contains a double garage and an electricity substation. The remainder of the boundary with the appeal site is planted with mature trees and shrubs. This planting is to be retained as specified in the application's detailed landscaping scheme.
- 2.16 No. 44 Station Road shares the remaining southern boundary of the appeal site. To the rear of No. 44, half of the boundary is communal garden and the remainder is parking for cars. There is a continuous 1.8m close boarded fence separating the sites where the communal garden area is. The boundary changes into a 1.8m blockwork wall.
- 2.17 We believe that there is no detriment to the residents of the flats at No.s 44-46 Station Road by the development. There were no objections to the scheme from any of these residents. The space separation from building to building is appropriate and the uses on either side of the boundary are compatible with communal garden to courtyard garden, or communal parking area to rear built wing.
- 2.18 No. 11 West Lane has a rear garden backing onto the eastern boundary of the appeal site. Again building to building distances are appropriate, especially as the proposed building is only single storey.
- 2.19 The owner of No. 48 Station Road submitted his own sun Study, which he claimed to be carried out at 11.45 am on 1st April. This sun study indicated a shadow line drawn over the architects plan. No commentary was given as to how

this shadow line was created. However it is shown significantly farther into the site than the accurate sun study prepared using Archicad Software. Once we knew that such an alternative sun study had been produced, we prepared a 'snap shot sun study' for the exact time and date and submitted this into the planners. We also submitted a perspective view, showing the elevation of No. 48 Station Road, proposed and existing, where we showed the shadowing effect of the proposal at the same time.

2.20 We do not think we should conjecture about how the owner of No. 48 Station Road, thought he had made a true assessment of the proposed building's shadowing effect on his plot. We do not normally believe that it is the LPA's duty to prove the verisimilitude of all details they receive from objectors. However in this case the Objectors submission states 'Witnessed shadow area at 11.45 on 1.4.15 with proposed new build wall/roof height. Mr J Smith & Mr R Nash.'

2.21 Mr R Nash is the planning officer from the LPA who was visiting the site at the time. If he allowed this evidence to bear his name and be published on the LPA's website, Mr Nash with his experience as a planning officer should have been able, at the time to decide whether the test performed in front of him was going to give a true representation. We do not expect a neighbour objecting to a scheme to necessarily have this knowledge, but we would expect a planning officer to be fully cognisant of the basics of shadowing.

Council's Reason for Refusal 3:

3 The proposal, without the completion of the appropriate binding arrangements to secure a contribution towards the Solent Disturbance Mitigation Project, is contrary to the National Planning Policy Framework 2012 and the Council's Policy on mitigating the impacts of development which, in accordance with Policy DM24 of the Local Plan, seeks to mitigate the impact of new residential development on the Solent Special Protection Area.

Answer

3.1 On 13th April 2015 we received an e-mail from the planning officer, stating that he was minded to refuse the application. In the text of this e-mail the planning officer stated, "The absence of a financial contribution towards the Solent Disturbance Mitigation Project would form another reason for refusal, although this could of course be resolved by way of an upfront Deed and Payment or Unilateral Undertaking, should your Client choose to appeal against a refusal of the planning application."

3.2 This was the first time that any contributions had been mentioned by the planning officer. We believe that it is the duty of the LPA to advise what contributions they require. It is not fair to withhold all information and then use the lack of payment as a basis for refusal.

3.3 We therefore replied to this e-mail on 17th April 2015 stating the following "One

final matter is you mention in your e-mail of 13th April, the grounds for refusal on the basis that my clients have not undertaken to agree to contribute towards the Solent Disturbance Mitigation Project.

Please note that Havant Borough Council do not appear to have informed either the applicant or agent of any contributions on this project. We feel it is the local authority's duty to inform applicants of any contributions so that they can have the opportunity to agree rather than using the lack of agreement without any prior warning as a reason to refuse an application." It is unfortunate that despite our request that our e-mail and its attachments were uploaded onto the LPA's planning website, only the attachments appeared. We have therefore added our full e-mail to the appeal documents.

3.4 The applicant would have been happy to accept any reasonable contributions.

Other Matters

4.1 We have been disappointed by the performance of the LPA in assessing this planning application.

4.2 We draw the inspectors attention to Item 2.21 where the planning officer, who ought to be independent, allowed his name to be a witness on a piece of work carried out by an objector and further compounded this by publishing it without comment on their website.

4.3 On a procedural matter, we only discovered that the application had been refused by searching the local authority's planning website. We are fully aware that LPA's do not normally send out hard copies of their planning decisions; however this is the first instance where the LPA have not informed us directly of their decision.

Conclusion

The proposed development will add, contribute, reduce the annual shortfall in the district of approx. 5000 new homes.

The government has expressed a desire for more ECO friendly homes to be built. The proposed dwelling is very much an example of a building that actively integrated 'Green energy' rather than merely providing just enough to pass regulations which would be far exceeded. We feel the LPA should have noticed and encouraged this to a greater degree.

There are other developments visible from the site and the neighbouring houses which have embraced a more modern design approach. This site at 58-64 Station Road Hayling Island, APP/14/01228, did not receive any adverse comments from neighbours or the planning officer despite being an overtly modern approach.

In their Delegated officer report the LPA stated that what had been submitted was "... an innovative and good quality architectural design has been produced," and yet they used the wording "out of keeping with and harmful to the character and appearance of

the locality." In reason for refusal 1, we do not feel that this was consistent and believe the LPA was in the end nervous of the 'look' of the building when in fact they ought to be encouraging more good modern design as their policy "Havant Borough Design Guide SPD 2011" states.

It is therefore respectfully requested that this appeal is allowed.