

2 & 2A Eastoke Avenue, Hayling Island

Appeal Statement

Proposed Extensions & Alterations



July 2015

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1. Introduction

1.1 This document has been prepared by MB Planning on behalf of our client, Mr & Mrs Fields, the owner occupier of the appeal site. The document seeks to provide supporting justification to a planning appeal proposing first floor extensions, and external alterations to 2 and 2a Eastoke Avenue, Hayling Island.

1.2 The appeal is submitted following Havant Borough Council's decision to refuse planning permission. The application was refused on 11 June 2015, with the following refusal reasons given:

"1) The proposed development would be contrary to policy CS16 (c) of the Havant Borough Local Plan (Core Strategy) March 2011 and the Havant Borough Council Borough Design Guide Supplementary Planning Document December 2011 for the following reasons:

(a) The proposed development by reason of its plot coverage, size and scale would result in a cramped and over- intensive development that would be out of keeping with, and detrimental to, the character and visual amenities of the area;

(b) The proposed development by reason of the inclusion of multiple roof elements of varying designs and heights together with the manner in which the materials are utilised would result in an incongruous building in a prominent location within the street scene to the detriment of the visual amenities and character of the immediate area; and

(c) The proposed development would constitute an undesirable over-intensive use of the site which would provide unsatisfactory living conditions, by reason of inadequate amenity space, for unit 2A.

2) The proposed development would be contrary to policy CS16 (e) of the Havant Borough Local Plan (Core Strategy) March 2011 and the Havant Borough Council Borough Design Guide Supplementary Planning Document December 2011 in that the development would by reason of increased height and depth to the northern side of the property, together with the fenestration proposed, result in an overpowering presence and overlooking of the occupiers of the adjacent residential property to the detriment of their amenities."

2. Site Location & Relevant Planning History

- 2.1 The site lies within an entirely residential context in the settlement of Eastoke. The site also lies in a sustainable location, being within walking distance of local community facilities and services, including public transport. Of particular importance to this appeal is the site lies within easy access of public amenity space, in the form of the nearby beaches, and two playgrounds (all within easy walking distance from the site)
- 2.2 The appeal site consists of 2 and 2a Eastoke Avenue. The dwellings are attached, and 2a has the appearance of being an annexe to the main property, but is nonetheless in lawful use as a separate dwelling. The appeal site has no particular character or noteworthy features.
- 2.3 The site lies within an area of no established character. There are a variety of architectural styles to the properties in the surroundings, and the scale (height) of development also varies, with the majority of properties being two storey, although there is also some three storey development within the wider vicinity.
- 2.4 The most noticeable element of the proposed development seeks to provide a first floor extension above 2a Eastoke Avenue. The architectural style of the property is also proposed to substantially change from the current structure.
- 2.5 Access to both properties is currently provided from Eastoke Avenue. The proposal seeks to retain access to 2a from Eastoke Avenue, while a new access is proposed for no 2 from Southwood Road.

Relevant Planning History:

- 2.6 While there are a number of previous planning applications relating to the site, the only application considered of relevance to this proposal is application reference APP/15/00010. This application was a certificate of lawful use proposal for the occupation of 2a Eastoke Avenue as a separate dwelling to that of 2 Eastoke Avenue. The lawful use certificate was granted in April 2015.

3. Relevant Planning Policies

- 3.1 It is considered that the scale of development proposed at the appeal site does not warrant an assessment of national planning policies.

Local Planning Policies

- 3.2 The Council's decision notice makes it clear that only one local plan policy has been relied upon in opting to refuse the planning application. That policy being policy CS16 of the adopted Havant Borough local plan (Core Strategy) 2011. In addition, the decision notice also makes reference to a supplementary planning document, namely the Havant Borough Design Guide (adopted December 2011)
- 3.3 Policy CS16 is a general policy that applies to development across the entire borough. The policy requires that development proposals be designed to a high standard, and in so doing, comply with a range of criteria. The most relevant criteria to this appeal are identified by the decision notice as being criterion (c), and (e), which state that development proposals should:
- Use 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;
 - Not cause unacceptable harm to the amenity of neighbours through smell, the loss of privacy, outlook, noise and overlooking;

Havant Borough Design Guide SPD (2011):

- 3.4 The Council have not specifically referred to any particular part of the design guide in using the SPD to justify refusing planning permission. Given the SPD is 51 pages long, it is rather disappointing that specific paragraphs have not been referred to in the decision notice, as it is not clear to which specific parts of the SPD the Council oppose the proposed development on.
- 3.5 Section 4.2 of the SPD (Understanding the Site and Context) is considered to be of most relevance to this appeal. In particular the section relating to height (page 28), which notes that new development should generally not be more than one storey higher (than surrounding development) where it directly adjoins or is close to existing residential development.
- 3.6 Appendix 1 to the Design Guide contains Urban Character and Context Appraisals, of which area 2d for Hayling Island applies to the appeal site. The appraisal notes there is a wide variety of house types on Southwood Road. With regards height and massing, it is also noted that development of up to 3 storeys in height is present within the Eastoke area.

4. Assessment

- 4.1 The Council's decision notice contains two refusal reasons, which set out the Council's concerns with the proposed development. These issues predominantly focus on the Council's view the proposed extensions would lead to an overdevelopment of the site, coupled with the impact the development would have on the character and appearance of the area as a result of its overall scale and design. These issues are discussed in more detail below:

Mass, Scale and Design of Proposed Development

- 4.2 Part (a) of refusal reason 1 refers to the plot coverage of the proposed development resulting in an over-intensive development. In referring to plot coverage, the Council do not appear to have taken account of the fact that the existing footprint of the building is principally to be altered by way of extending upwards, and not outwards.
- 4.3 In other words, the plot coverage and building footprint of the site is hardly changing from the existing arrangement, and therefore, it is difficult to understand how the proposed development can be criticised on these grounds.
- 4.4 The mass and scale of the proposed development is also criticised and considered to be out of character with the area. While there is clearly an increase in size and scale over and above that of the existing development, the design has sought to keep the size and scale (height) of development to a minimum. While it is acknowledged the scale of development proposed will result in a larger building than that of the immediate neighbours (4 Eastoke Avenue in particular), this is not considered to be detrimental to the character of the area.
- 4.5 The Urban Character Appraisal contained within the Havant Design Guide notes that there is a wide variety of house styles to properties along Southwood Road. The size and scale of these properties also varies considerably. While the appeal site technically belongs to Eastoke Avenue, the site (no 2 in particular) obviously has a clear relationship with Southwood Road and its associated character.
- 4.6 It is not considered essential that any development at the appeal site would have to be comparable to the size and scale of immediately adjacent development. The Havant Design Guide also confirms that development can be up to a storey higher than immediate neighbouring residential development, thus confirming the principle of the proposed development as being acceptable.
- 4.7 Taking no 2 Eastoke Avenue by itself, the increase in size and scale of this property is negligible. The property is already two storeys in height, and the proposal only seeks a minor increase in the height of the existing property. We would therefore contend that so far as no 2 is concerned, the size and scale of development proposed relates very closely to that of the existing dwelling. As such, the size and scale is considered appropriate on this part of the appeal site.
- 4.8 Clearly the size and scale of development proposed at 2a Eastoke Avenue is more notable, by proposing a first floor extension. However, the height of the resulting development will be comparable with the existing dwelling at 81 Southwood Road, and indeed the majority of the surroundings, which are considered to be two storeys (or more) in height.
- 4.9 Policy CS16 (criteria c) requires that developments use the characteristics of the locality to inform the design, including the mass and scale of development. It is considered that taking into account the wider surroundings (i.e. not just that of the immediate neighbouring properties), the scale of development proposed clearly complies with the characteristics of the locality, in line with the guidance at Policy CS16.
- 4.10 It should be noted there is a recent development in reasonably close proximity to the site where a large development of 10 flats (built over 3 storeys) has been allowed immediately adjacent to single storey residential development. The site (50 Webb Lane, which lies at the corner of Sea Front and Webb Lane) lies approximately 1km to the west of the appeal site.

- 4.11 Although some distance from the appeal site, the development (approved under Council application reference APP/10/00089) is considered relevant to this appeal, largely because the proposal consisted of a substantial part two storey, part 3 storey building. The development was considered acceptable in scale and height, despite the fact the immediate neighbouring property to the north (48 Webb Lane) is a single storey bungalow, as noted below.



Above: Elevation drawings of approved building (currently under construction)

Below: View of the immediately adjacent property, 48 Webb Lane (single storey)



- 4.12 It is clear from the approved development at 50 Webb Lane that the Council are prepared to accept developments that are of larger mass, scale and height than that of the immediate neighbouring properties. In this case, the east elevation that faces Webb Lane, is to be two storeys in height, a full storey higher than the immediate neighbour, 48 Webb Lane.
- 4.13 Based on our reasoning above, we see no justification for the Council not to accept a development of the mass and scale proposed at the appeal site. The scale of development proposed, while larger than the immediate neighbouring properties is not disproportionate to the general character and appearance of the wider surroundings.

Proposed Design, External Appearance and Roof Formation

- 4.14 Part (b) of refusal reason 1 relates to the Council's view that the design (and roof structure in particular) are deemed an incongruous feature within the street scene.
- 4.15 As already discussed, the surroundings are eclectic in their architectural form. There is not considered to be any established character to the surroundings that the proposals for the appeal site should be seeking to emulate. That said, there is a similar design to that of the appeal proposals within the vicinity, that being the building 'Beach Court', located further east along Southwood Road



View of Beach Court on Southwood Road, a building that shares some of the design facets of the proposed development at the appeal site.

- 4.16 In any regard, it is considered that the proposed design of the development at the appeal site would add considerable visual interest to the street scene, certainly in comparison with the current appearance of the site. While it is regrettable that the Council do not consider the design would add any visual quality to the street scene, this is a subjective view made by one individual of the Council with, as we understand it, no design related qualifications/credentials.
- 4.17 The design is deliberately different to that of the immediate surroundings, given the deemed low level of architectural merit to properties in and around the appeal site. To our mind, it is clear that the design would considerably enhance the visual appearance of the site, in comparison with the current development.
- 4.18 It should be remembered that dwellings built in the future will not be able to replicate those in the surroundings (if they are more traditional in design) if we are to eventually build as standard highly environmentally friendly dwellings. It would not be possible for a dwelling to come forward with a design of a traditional bungalow or two storey dwelling and also achieve a highly sustainable building (such as Code Level 5 or 6 dwellings of the now defunct Code for Sustainable Homes).
- 4.19 The design is clearly modern and contemporary in its concept, and takes account of the coastal location by being a design with clearly nautical notations. While not a high end environmentally friendly dwelling, the design and proposed modern materials does allow for a number of sustainable features to be provided, which are primarily to permit an increase in the thermal efficiency and resistance to weathering in this very exposed location. The roof will be low maintenance, and may also be suitable for photo-voltaic cells to be installed in the future.
- 4.20 The design of the roof has been proposed with two things in mind, those being to be a low maintenance design and material, and also to keep the bulk of the building to a minimum. The design as previously noted also takes some cues from the coastal location, as well as the development already permitted at Beach Court. Taking these factors into account, there is clearly a case that the proposed development provides a modern take on a dwelling located in a coastal settlement, which should not be considered incongruous to the surroundings.

Amenity Space

- 4.21 Part (c) of refusal reason 1 relates to a lack of amenity space serving 2a Eastoke Avenue, and deemed unsatisfactory living conditions for the occupants of the property.
- 4.22 In our opinion, this part of the refusal reason is not a relevant planning concern. In the first instance, it is for the appellant to decide whether they are happy to live in a property with little to no private amenity space. Given the dwellings are to be occupied by the extended family, it is likely that while the site is in the appellant's ownership, the amenity space of no 2 Eastoke Avenue will be shared by the occupiers of both 2 and 2a.

- 4.23 In the long run, should 2a Eastoke Avenue be put up for sale, any person interested in purchasing the property would also clearly be fully aware of the lack of private amenity space with the property. As such, it is not appropriate for the Council to claim that the living conditions would be unsatisfactory, as clearly anyone choosing to live at 2a Eastoke Avenue would be fully aware of the lack of amenity space, and would have chosen to live there regardless. The occupier would therefore not deem the property to be unsatisfactory to live in, otherwise they would choose a property that did offer more amenity space.
- 4.24 It is not unusual for dwellings to be provided that have little or no private amenity space. Many older dwellings (e.g. tightly grouped terraced properties) would tend to provide only a small rear yard, and of course, more modern developments such as blocks of flats will fail to provide much, if any private amenity space.
- 4.25 One also has to take into account that 2a Eastoke Avenue is a lawful dwelling that already does not provide any private amenity space. While the size of the property is increasing, we consider that the most important consideration in assessing the amenity space issue, is that the principle has been established for providing a dwelling that does not provide any amenity space. The increase in size of the dwelling does not detract from this key point.
- 4.26 In addition, the site is within close proximity of a number of public amenity areas, including the beach to the south and two playgrounds within a short walk from the site.
- 4.27 Given the circumstances that the existing property (2a) does not provide any amenity space, we do not consider that the proposed development would represent an over-intensive use of the site as alleged in refusal reason 1(c). Whether the site is developed as per the proposal or not, the fact remains that there is an existing lawful dwelling on the site that provides no amenity space to the residents.
- 4.28 As such, for the reasons discussed above, we consider that refusal reason 1(c) is flawed and not relevant to planning policy consideration, and should therefore not be a relevant issue to be assessed as part of this planning appeal.

Impact on Neighbouring Properties

- 4.29 Refusal reason 2 relates to the impact the development would have upon the neighbouring properties, and in particular the impact on 81 Southwood Road.
- 4.30 The current proposal seeks to increase the height of the building (2a in particular), so that the site is similar in height to that of the neighbouring property. Shadow diagrams have been provided as part of the planning application to demonstrate that the increase in height would have a negligible impact on the neighbouring properties so far as loss of light is concerned.
- 4.31 As such, the proposed development, while clearly a larger scale than the existing dwellings on site, cannot be considered to be 'overpowering' in the manner described in the refusal reason. The phrase 'overpowering' would tend to indicate that the proposed development is going to completely dominate the neighbouring property, yet that is clearly not the case given the scale (height) of the proposed development is comparable to that of the neighbouring property.
- 4.32 The Council's refusal reason notes that the fenestration proposed would lead to overlooking of the adjacent property. While any fenestration would obviously give the ability for overlooking, in this case, the proposed windows would look over the gable end of the neighbouring property, which is a blank gable end. As such, there could be no possible privacy intrusion into the neighbouring property.
- 4.33 The windows in question are small in scale, and will serve bedrooms. As such, the rooms in question will not be occupied all that often compared with say a lounge or kitchen. While the windows will clearly overlook the neighbouring property's blank end gable wall, there is likely to only be a very oblique view from the windows towards the rear garden.

- 4.34 The question to assess through this appeal is whether the development proposed causes harm to the amenity of neighbours through loss of privacy and or overlooking, as stated in Policy CS16 (criteria e). Given the urban context of the site, one has to accept that there will be an inevitability of some overlooking from neighbouring properties. The justification provided above demonstrates that the only overlooking of the neighbouring property will be to a blank gable end wall. To our mind, this form of overlooking should not be considered unacceptable, given it doesn't result in a direct privacy intrusion (e.g. to an opposing window), nor is there likely to be any clear overlooking of the rear garden of the neighbouring property.
- 4.35 Should the Inspector consider it necessary, the appellant's would be prepared to accept a condition relating to the windows, requiring that they be obscurely glazed. Such a condition would alleviate any concerns the Inspector may have with regard the impact of the development on 81 Southwood Road so far as overlooking/privacy intrusion is concerned.

SUMMARY

- 4.36 For the reasons outlined above, we believe we have presented a clear case to demonstrate that the proposed development fully accords with policy CS16 of the adopted local plan. The scale and design of the extensions and alterations are considered appropriate and reasonable taking into account the character of the surroundings. The design will enhance the visual appearance of the site. Furthermore, the site can be developed in the manner proposed without causing harm to the amenity of neighbouring properties.
- 4.37 For these reasons, we trust the appeal Inspector will duly allow the appeal.