



Town and Country Planning Act 1990

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

Local Planning Authority

Reference:-15/00037/FUL

Planning Inspectorate Reference:-

APP/X1735/W/15/3132354

Written Representations Appeal

**Appellant's comments on LPA and Third
Party Statements**

Appellant: Mrs S Wrixon

Local Planning Authority: Havant Borough Council

July 2015

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Comments on Havant Borough Council Statement published 7th December 2015.

Item 6.2 First Issue

Paragraph 4 of this item begins

“This proposed layout has demonstrated innovation in fitting a reasonably sized dwelling on to the site. The design of the proposal is modern and it could not be said that there is a prevailing style of dwelling in the locality.”

Paragraph 5 of this item begins

“Furthermore, the proposed layout of the development would not reflect that of local development where more regular plot shapes and generous amenity spaces predominate. The heavily built up character of the site which would result, would be out of keeping with the predominant character of the area, which comprises houses within gardens to the front and rear.”

In the first statement it appears that the LPA accepts that there is no predominant style and that the applicant has managed to fit a reasonable sized dwelling on the site where in the second statement the LPA argues the opposite view.

Paragraph 4 The LPA state that in their document Borough Design Guide SPD under :
“paragraph 5.05 sets out a requirement for garden lengths of 10m in order to maintain a reasonable relationship between new dwellings and neighbouring properties.”

We are not aware if the LPA forwarded this document through to the planning inspector as part of their initial response.

In actual fact Havant Borough Design Guide SPD paragraph 5.05 reads as follows:
5.05 In order to maintain a reasonable relationship between new dwellings and neighbouring properties, the following minimum distances should apply:

- *Where windows of the new development and an existing dwelling occur back-to-back there should be a minimum of 20 metres separation*
- *Where a new dwelling or the development is more than two storeys in height an additional four metres per storey should be added to the separation distance e.g. a separation distance of 24 metres is required between the new three storey building and existing two storey dwelling*
- *Where a dwelling faces a blank gable, 10 metres separation distance is required*
- *Garden length should normally allow 10 metres between the dwelling and the boundary.*

It is clear that these guidance notes have been carefully written so as not to exclude different ways of considering garden spaces. As a “design guide” we feel that this document should not be used as a set of requirements however

the LPA have taken the phrase “should normally allow 10 metres” to make this an absolute requirement. We believe that the LPA should have expected that an innovative house will pay heed to the design guide, as we have, but not to treat the guide as a set of rules to be satisfied, as this will stifle any innovation and create a mundane and very standard form of development.

Item 6.3 Second Issue

Paragraph 1 The LPA have incorrectly measured some of the dimensions. For clarity we have copied their paragraph below with highlighted revisions:

At its closest points the proposed building would be sited at approximately 0.5 metres from the eastern and southern boundaries of the site. In each case the tallest element of the building (at approximately 2.6 metres to eaves and 3.8 metres to ridge) would be located at this closest point. The proposed building would be sited at approximately 0.6 metres from the north western boundary along its entire 20 metre length. This again includes part of the tallest element of the building (for a length of approximately 5 metres ~~although this reduces down~~) plus a lower element at approximately ~~2.5~~ 2.4 metres. This element would protrude above the existing boundary fence and would slope back to a height of approximately ~~3~~ 2.8 metres before rising perpendicularly to approximately 3.7 metres. This latter highest element would be located at approximately ~~1.5~~ 1.9 metres from the boundary.

Paragraph 2 The LPA have not used the recommended Document 'Site Layout Planning for Daylight and Sunlight A Guide to Good Practice, Paul Littlefair (BRE publication).' to assess the sun studies. In the BRE Document it states in paragraph 3.37 suggests, *“As a check, it is recommended that at least half of the amenity areas listed above should receive at least two hours of sunlight on 21 March.”* The appellant's sun study on drawing 4443/1203A shows sun positions on 21 March (Spring Equinox) clearly demonstrating that significantly more than half of the back garden to No. 48 Station will receive sun well in excess of the two hour standard even after the development of the appeal site. This ignores other amenity areas associated with No. 48.

Paragraph 3 We believe that the appellants case on this was clearly stated in the original statement although we would like to stress that the car parking for the proposed dwelling is parallel to the neighbour's own parking area so we see little chance of disturbance from this proposed situation.

6.4 Third Issue

No further comment other than that stated in the Appellant's original statement

7.0 Comments on the appellants grounds for appeal

7.1 Paragraph 2 We believe that ignoring any comparative sites greater than 0.5km on an island, made up of very similar residential type development is not good practice and nor is this distance in any recognized guidance document that we are aware of. The comparative sites were carefully chosen to reflect recent planning decisions by the LPA in similar residential settings.

Paragraph 3 Reviewing the Appellant's original statement we have never stated or implied that the case officer 'signed' any document produced by Mr J Smith. We have only pointed out what was written on the document published on the LPA's planning website. (See Appellants statement 2.20 & 2.21.)

The objector from No. 48 Station Road states in his comments of 26th November 2015 that a photograph was taken during his sunlight experiment. We are not aware of this photograph as we do not believe it has been submitted as part of either the planning application or appeal comments. We are also unaware of how the experiment of predicting the shadowing of a building yet to exist was done. The method of how this shadow estimate was achieved has not been published either by the objector or the planning officer. Without this method it is difficult to compare the Objectors results with the results of the appellants sun study created on accurate software (see Appellants statement 2.12)

Third Party statements and comments

The appellant has read the comments of the 3 correspondence. We respect their rights to make their comments and choose not to give further evidence as the appellant's original statement covered these points.