

SITE ADJACENT TO 3, MONTGOMERY ROAD, HAVANT

APPEAL BY DR. P McCORMICK

**REPLY BY THE APPELLANT TO THE STATEMENT
OF HAVANT BOROUGH COUNCIL**

Local Planning Authority Reference: APP/12/01037

Planning Inspectorate Reference: APP/X1735/A/14/2220759

PRELIMINARY SUBMISSIONS

- (A) The submissions from Havant Borough Council are not focused on the specific merits of this appeal or on the site in question but are mostly of a general nature.
- (B) The Appellant and his architects have gone to great trouble in the original planning brief and the design to give effect to best practice, to be sensitive to the neighbours' reasonable interests, and wholeheartedly to apply and incorporate into the design Havant Council's own adopted planning policies. It is disappointing that this does not seem to be adequately acknowledged in the Council's decision and reasons.
- (C) Where the Appellant and his architects did the Council the courtesy of a point-by-point, line-by-line, and even, at times, word-by-word reply to all the points they raised, addressing each one directly and openly and not shirking from grappling with it; the Council's response has been to bog itself down in generalities, avoid looking at any facts in detail, and to slide past or ignore the key points and facts raised for the Appellant.
- (D) It is also a pity for the Council to persist with clearly bad or incorrect points that have already been demonstrated to have been false in the light of the Appeal Statement. These should have been withdrawn so that the issues going forward

were narrowed down to the one or two real issues that remain. For example, the Council's points about natural lighting are ridiculous and have been demolished in the Appeal Statement. They have not been addressed, let alone answered, in the Council's response, but merely re-iterated and re-asserted as if the Appeal Statement had not been read on this point. The same applies to the unfounded and quite preposterous point (repeated in Paragraph 6.16 below) that the residents of No. 3 Montgomery Road will create unacceptable noise by "pedestrian activity" (sic), "manoeuvring", and "parking" their car. No planning application could ever succeed if it could be argued that the people next door would make a racket if the application were to be granted. This is a bogus invented point and it is noteworthy that the residents of No. 3 Montgomery Road themselves (who opposed the application on other grounds) did not see fit to suggest their day-to-day activities would cause a problem for any future occupier of the development or, indeed, that such occupier's day-to-day activities would cause any nuisance to them.

(E) The Council's point on "cramped accommodation" has been repeated without any indication that the Council has read, let alone taken into account, the uncontroverted facts as to the size of the accommodation and the unchallenged applicable recognized planning criteria for appropriate minimum sizes (which are exceeded by this scheme) as fully explained in the Appellant's Appeal Statement.

(F) The Inspector is invited to note a number of inconsistencies and contradictions in the Council's case as referred to in detailed comments below.

(G) The Inspector is invited to note that in their response (as well as their original reasoning) the Council have separately stated their policies and separately stated their opinions but they do not link or relate any specific policy to this scheme by showing exactly how, in what respects, and why, it supposedly contradicts any given policy.

(H) Although it is sometime difficult to see the Council appear to have only 3 serious points in refusing the planning application, as follows:

- (i) The design is alleged to be "poor".
- (ii) Only large detached houses (3+ bedrooms) with large gardens should

- be allowed in Montgomery Road.
- (iii) Only houses which look the same as other houses in Montgomery Road should be allowed.

(l) The Appellant's answer to those points is as follows:

- (i) The design is not poor. It is of "a high standard" within the meaning of Policy CS16 (see the Appeal Statement showing how CS16 was considered and applied). The Council's position on the "design" is hopelessly self-contradictory. At times it praises the design expressly or impliedly by showing how it responds to the neighbour's legitimate interests and in various other ways (see Council's original decision) while at other times it attacks the design. We feel that such critical comments require to be well reasoned and explained.
- (ii) Of course, we agree that this is not a large detached house with a large garden. But this is an illegitimate test invented simply for this application. It has no basis in planning law. There is no planning precedent for it in Montgomery Road. There is no Havant Council or national policy imposing such a requirement. This principle is contrary to all good planning practice. It is attempting to zone Montgomery Road and the connecting roads as unsuitable for modest dwellings, unsuitable for one or two bedroomed dwellings, unsuitable for social housing, and out-of-bounds to anyone who cannot afford a £600,000+ grand detached house with a large garden. In other words Montgomery Road is to be designated as a ghetto reserved for the affluent, and there can be no social mix allowed in it, and no nonconformity or variation of housing stock. The garage building exists and is entitled to be there. This type of building already exists on that plot. The Council is treating the application as if it were one to build such a building there. The proposal is merely to modify in a relatively minor way that building.
- (iii) Of course, the garage when converted will not look the same as other houses down Montgomery Road (which in any case do not look the same as each other). There is no planning law requirement or Havant Council planning policy or national policy that all houses down a road must look alike, yet this appears to be a driving force behind Havant's

reason to refuse. Whether converted or not, the garage building will never look the same as other houses down Montgomery Road. It exists there. The application is merely to modify it physically (slightly) and permit residential use. The Council is getting confused, forgetting the right of this long-established building to continue to exist, and in effect complaining about its existence because it does not look the same as the later houses. Planning permission is only sought and needed for the (modest) changes to it.

(There follows the Appellant's full detailed commentary on the Statement of Havant Borough Council)

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

STATEMENT OF HAVANT BOROUGH COUNCIL

SITE ADJOINING 3 MONTGOMERY ROAD, HAVANT

**Local Planning Authority Reference:
APP/12/01037**

**Planning Inspectorate Reference:
APP/X1735/A/14/2220759**

HAVANT BOROUGH COUNCIL

TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)



APPEAL BY DR P McCORMICK AGAINST THE DECISION OF HAVANT BOROUGH COUNCIL TO REFUSE TO GRANT PLANNING PERMISSION FOR CONVERSION OF REMOTE GARAGE TO 1no. 1 BED DETACHED DWELLING INCORPORATING NEW TWO STOREY REAR EXTENSION AND ROOF ALTERATIONS AT SITE ADJACENT TO 3 MONTGOMERY ROAD, HAVANT

Planning Inspectorate Reference: APP/X1735/A/14/2220759

LPA REF: APP/13/01037

1.0 THE APPEAL SITE AND ITS SURROUNDINGS

1.1 The garage the subject of this application is located at the western terminus of Montgomery Road, a residential street to the east of Havant town centre. The garage in question is in the ownership of the owners/occupiers of 31 Bellair Road and was built in circa 1930.

Comment [SB1]: No Comment

1.2 To the west of the site is the Hayling Billy Line footpath. At this point the footpath is at the bottom of a cutting with the garage built at original ground level. The top of the bank of the cutting (west of the site) has been inhabited by self-seeded planting with no maintenance being carried out for many years. It is also noted that from the lower footpath up to Montgomery Road an unofficial path has been formed up the steep slope.

Comment [SB2]: No comment but note that the HBC confirms that there has been no maintenance of the planting for many years.

1.3 Directly to the north (rear) of the garage subject of this application is the detached garage of No.3 Montgomery Road. Directly to the east of the site is the driveway and detached dwelling of No.3.

Comment [SB3]: True, No Comment

2.0 PLANNING HISTORY

2.1 There is no relevant planning history relating to this site.

Comment [SB4]: True, No Comment

3.0 THE APPLICATION

3.1 The application the subject of this appeal was made valid on 31 October 2013 and the application was refused by the Council under officers' delegated powers on 20 December 2013 for the following reasons:

1. The proposed development is considered unsuitable for a residential conversion by reason of its size, design and layout. The building would fail to provide suitable internal and external amenity space resulting in unacceptable living conditions and amenity. The dwelling and its curtilage are dominated by existing trees and vegetation along the western boundary limiting light into the building and the usable area to front further detracting from the residential amenities of future occupiers. Furthermore the amenities of the dwelling and its curtilage would also be harmed by the use of the adjacent access drive and garage to the rear of the site that serves No.3 Montgomery Road, as a result of noise and disturbance from general domestic activities. The development would therefore conflict with policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, the Havant Borough Design Guide Supplementary Planning Document and the National Planning Policy Framework 2012.

2. *The proposed development by virtue of its size, appearance and layout would result in a contrived and cramped form of development, incompatible with the prevailing form of residential development in Montgomery Road. The proposal would therefore result in an incongruous form of development, that would adversely affect the character and appearance of the area. The proposal would therefore be contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, the Havant Borough Design Guide Supplementary Planning Document and the National Planning Policy Framework 2012.*

Comment [SB5]: This merely repeats the Council's reasons for refusal.

- 3.2 The planning application is for the conversion of the existing garage to a 1No. 1 bed detached dwelling incorporating a new two storey rear extension and roof alterations. The existing garage is set well back from the pavement and the area to the front of the building would be used for off street parking. The garage door is to be replaced with a screen assembly including front door and windows with solid panels around these elements. The current roof is weak and it is proposed to re-roof the building with a slightly steeper pitch but still clad the roof in traditional slate as existing. In the north-west rear corner of the building it is proposed to construct a 2 storey timber clad addition based upon the existing building footprint and extending by 1.5m further southwards. This extension will contain sleeping accommodation at first floor with a study area below.

Comment [SB6]: While this is a brief description of the development it does not mention the numerous new rooflights in the roof which come into play with the later discussions about daylighting

4.0 **PLANNING POLICY**

- 4.1 The application has been determined against the National Planning Policy Framework and local planning policy. With regards to local planning policy, the application was determined against the relevant policies from the Havant Borough Local Plan (Core Strategy) 2011, which was adopted on 1 March 2011. The relevant Core Strategy policy is CS16.
- 4.2 **Policy CS16** (High Quality Design), advises that development proposals would only be permitted where it can be demonstrated that they respect the local context and use characteristics of the locality to help inform the design of new development. Development proposals should avoid causing detrimental impact on the neighbouring and proposed properties. The Havant Core Strategy can be found at;
<http://www.havant.gov.uk/sites/default/files/documents/ADOPTED%20CORE%20STRATEGY%20.pdf>
- 4.3 **The Borough Design Guide** is a supplementary Planning Document to the Core Strategy and was adopted December 2011 which supports Core Strategy policy CS16. The design guide states that "*character helps to define a place and helps distinguish one place from another place. It is much more than building styles and appearance. The character of an area is a combination of the function and level of activity of the place, its existing structures and features, including open space and trees, the surrounding context of the site and how these all relate to one another*".
The Borough Design Guide can be found at;
<http://www.havant.gov.uk/sites/default/files/documents/SPD%20Borough%20Design%20Guide.pdf>
- 4.4 On 1 August 2013, the **Community Infrastructure Levy** (CIL) was brought into force by Havant Borough Council. CIL income can be used to fund additional infrastructure required to support new development including roads, schools, green spaces and community facilities.
- 4.5 CIL represents a fundamental change from the current system of developer contributions through Section 106 (S106) planning obligations. While S106 will still be used for site specific measures required to make a development acceptable, the introduction of CIL means that the use of S106 will be limited.

Comment [SB7]: The CIL was sorted out at the time of planning application as the figure of £880 (see 4.7) was given to us by HBC and we have not contested this. The Appellant is entirely in agreement with the CIL but has not been asked to confirm his acceptance of the stated figure by HBC.

4.6 The overall aim of these changes is to make the developer contributions system fairer, faster and more transparent than the previous system. It is intended to give developers more certainty over costs and give councils and communities more choice and flexibility in how to fund infrastructure. The CIL rates to be applied to development are set out in the Havant Borough Community Infrastructure Levy Charging Schedule, which was adopted by the Council on the 20 February 2013. The Charging Schedule and supporting documentation can be found at:

<http://www.havant.gov.uk/sites/default/files/documents/HBC%20CIL%20Charging%20Schedule%20Full%20Document%20Feb%202013.pdf>

4.7 As such this scheme, which represents new residential development, may be liable for CIL at a rate of £80 per additional square metre, (credit is given for the existing building). The CIL amount payable for this scheme is £880.00. However, as the decision was to refuse planning permission for the proposed development a Liability Notice was not required to be issued at the time of the decision.

4.8 The National Planning Policy Framework (NPPF) was published on 27 March 2012 and the NPPF sets out the three dimensions to sustainable development: economic, social and environmental. It is considered that the dimension most pertinent to this planning refusal is environmental.

4.9 In respect of design **paragraph 56** of the NPPF advises:
The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

4.10 It continues in **paragraph 61**:
Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

4.11 And **paragraph 64** states :
Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

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 2 neighbour notification letters were sent. In addition a site notice was posted. 1 letter of representation was received by the Planning Authority. A copy of the representation letter has previously been forwarded to the Planning Inspectorate. The contents of the letter can be summarised as follows:

- a) The garage has not been cared for or maintained and become derelict which has in turn attracted vandalism.
- b) There has been no consultation from the owner or architect.
- c) The house in 31 Bellair Road needs the car parking for two cars, and these should be parking in their garage instead of on the street.
- d) We strongly object to a first floor extension that will affect the aspect from all the rooms on that side of our house.

Comment [SB8]: This is a key paragraph. It is of some importance that 'environmental' is highlighted as the most pertinent. There is little reference in their following paragraphs to HBC thinking of environmental in terms of trees etc., but instead they use "environmental" to be mainly how the conversion is different from the others around it.

Comment [SB9]: Good design in HBC's mind appears from the following paragraphs to mean simply copying existing styles of surrounding buildings. In no way is this thinking encouraging 'innovative design' as referred to in paragraph 6.6

Comment [SB10]: Agreed, but apart from not religiously following one or other of the styles of the surrounding houses, we do not consider that the proposed design breaks this policy.

Comment [SB11]: It is of great importance that 'poor design' is mentioned. It is unclear why, as in their commentary on the design later on they seem to have avoided levelling such overt criticism. Indeed in 6.18 they refer to the building as exhibiting elements of being 'carefully designed'

Comment [SB12]: Only 2. One was sent to 31 Bellair Road, the Applicant's address. It is difficult for HBC to maintain that the development would have a harmful effect on the neighbourhood but did not feel that the public should be necessarily consulted on the application.

Comment [SB13]: This is an accurate summary of the only public objection. It has been fully answered already (see PWP architects letter of 2/12/13 and Addendum to Notice of Appeal at Paragraph 2). The Council has not upheld this objection (See 6.18)

6.0 PLANNING CONSIDERATIONS

- 6.1 Having regard to the relevant policies of the Havant Borough Local Plan (Core Strategy) 2011, the Borough Design Guide SPD, the NPPF and the reasons for refusal given in the Decision Notice dated 20 December 2013, it is considered that the main issues for consideration with regard to the refusal of this application are set out below.

- (i) Principle of development
- (ii) Effect on the character and appearance of the area
- (iii) Residential amenity of future occupants/occupiers
- (iv) Impact on No.3 Montgomery Road
- (v) Highway implications/parking
- (vi) Conclusion

Comment [SB14]: No reason for refusal per se: see paragraph 6.2

Comment [SB15]: It is demonstrated by HBC only sending out 2 neighbour notification letters that at the time they did not feel that the application site would have effects on the wider community.

Comment [SB16]: HBC Concluded that this was not the case 6.18

Comment [SB17]: Considered adequate in 6.19

- 6.2 (i) Principle of development

The application is for the conversion of the existing garage to 1No. 1 bed detached dwelling. It is acknowledged that the site is located within the existing urban/built up area and as such the principle of residential development is normally considered acceptable in such locations subject to a detailed assessment of design and impact upon the surrounding context for the proposed development.

- 6.3 (ii) Effect on the character and appearance of the area

The application site is positioned on its own plot of land, directly adjacent to the curtilage of 3 Montgomery Road. The site lies at the western end of a group of substantial detached dwellings that front directly onto Montgomery Road. This application seeks to convert and extend the existing detached garage to create a 1No. one bed detached dwelling.

Comment [SB18]: Statement of fact

- 6.4 The National Planning Policy Framework states in paragraph 64 that “*permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions*”.

Comment [SB19]: Statement of policy but not a comment on the application

- 6.5 Policy CS16 of the Core Strategy states that:

“Planning permission will be granted for development that is designed to a high standard, which helps to create places where people want to live, work and relax. All development should demonstrate that its design:

Responds to, draws inspiration from and respects local context and:

- *Identifies and responds positively to existing features of natural, historic or local character within or close to the proposed development site; and*
- *Uses 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”.*

Comment [SB20]: This policy talks of “local context” and the “locality”. These are wider than Montgomery Road and would also take in Bellair Road, Oaklands Road, and the new development behind Montgomery Road. “Existing features” “within” the development site are taken account of in the design. Features “close” to it include the wall and summer house opposite it. Local heights and building lines etc. are respected.

- 6.6 The Council adopted the Havant Borough Council Borough Design Guide Supplementary Planning Document in December 2011. The aim of the document (SPD) is to provide detailed information that supplements Policy CS16 of the Havant Borough Core Strategy, to raise the standard of design across the Borough and set out what the Council expects developers to deliver in terms of the design of new developments and how the distinctive character and qualities of the Borough should be respectfully improved and enhanced through development. In paragraph 4.47 it states that:

"It is crucial that the design of new places is undertaken with a sound understanding of the local pattern of development. This understanding should inform the design of a proposal and reflect local character and distinctiveness, whilst allowing innovative design..... The layout of development should reflect the layout and pattern of development in the neighbouring area, looking to adjoining properties first".

6.7 The application site is significantly smaller than the surrounding residential plots. The site area is approximately 0.018 hectares in size, and is only of this size due to a large area of the front driveway being included within the red line. The properties to the east in Montgomery Road are large detached dwellings with substantial rear gardens with plot sizes of between 0.07 hectares to 0.11 hectares.

Comment [SB21]: This policy refers to and envisages "new places" suggesting new builds whereas the proposal in this case is for conversion by minor modification of an existing building.

6.8 The proposed development would create a very small residential curtilage with a lack of meaningful amenity space for the future occupiers/occupants of the dwelling. This small plot would be out of context with the spacious form of development of the adjacent row of dwellings to the east, and out of keeping with the prevailing form of development in the immediate area.

Comment [SB22]: The plot is what it is. This is an application for a conversion where you work with what you've got. The proposal fits the site.

6.9 The external appearance of the development (conversion of the existing garage to a dwelling) is also considered to be contrived and at odds with the general form of development in the area. The dwellings in Montgomery Road are all large detached two storey dwellings of varying styles and designs with spacious separation distances between the dwellings.

Comment [SB23]: We do not see that a different size of plot should mean that a refusal is given on these grounds. The small plot has resulted in a modest sized proposal. We do not see that this is a cause for criticism.

6.10 It is proposed to alter the existing garage by removing the garage door and inserting an entrance door and window. To the North West rear corner of the building a 2 storey element is proposed which will contain the sleeping accommodation on its first floor with a study area below. The two storey element is an unacceptable addition to this existing garage which is of a traditional design and style and is out of keeping with the prevailing traditional form of dwellings in the locality. The two storey flat roof element is a further contrivance that is only necessary due to lack of space on the site. Its inappropriate design is exacerbated by the fact that it is taller than the principal building and is therefore not a subservient feature.

Comment [SB24]: This is the first comment in this document specifically about the proposed scheme. However they do not explain why they feel it is 'contrived'. Please refer back to detailed discussion of this point in the Appeal Notice at paragraphs 19-26.

6.11 It is accepted that the dwelling would be well screened from within the streetscene due to its position within the site and the surrounding belt of trees, however there will be glimpses of the building from the Hayling Billy Trail to the west, especially during winter months. The Hayling Billy Line is a well used recreational route.

Comment [SB25]: The Council has not explained why it is an 'unacceptable addition'. They state in 6.18 that the addition "would project only 1.2m above the new ridge line.....As such the impact of the bulk of the new work on the outlook of No.3 is considered acceptable" As this is really the only place where the addition is visible, how can it be acceptable here and not as a whole.

6.12 It is therefore concluded that the proposed development by virtue of its size, appearance and layout would result in a contrived and cramped form of development, incompatible with the prevailing form of residential development in Montgomery Road. The proposal would therefore result in an incongruous form of development, that would adversely affect the character and appearance of the area. As such the proposed development would be contrary to Policy CS16 of the Core Strategy, the Design Guide Supplementary Planning Document, and National Planning Policy Framework, 2012.

Comment [SB26]: Exactly, "glimpses" which sounds very inoffensive. Equally, without planning permission they may glimpse the existing garage, so not much will change. If they do look in that direction their glimpse would probably be drawn more to No. 3 Montgomery Road a large building which stands out due to its white colour contrasting with the foliage and trees.

6.13 (iii) Residential amenity of future occupants/occupiers

There are a number of concerns with regard to the suitability of this existing building to accommodate a residential use.

Comment [SB27]: It is difficult to realise a conclusion such as this with the dearth of comment about the scheme

6.14 The garage is to be converted into a residential dwelling with a two storey element on the north-west corner. The building is small with a useable floorspace measured from the floor plans of 58sqm although part of this area appears in reality to be subject to restricted head

height. Light within the building would be limited due in part to restricted openings and in part to the adjacent trees along the west boundary. The eastern wall comprises of no fenestration providing no light to the kitchen area. The study window is on the western wall and would face the belt of trees along the western boundary. This would provide limited light to this room. Overall, it is considered that the internal living space is poor with a lack of natural light.

Comment [SB28]: The lowest floor to ceiling height is 2.27m and this is limited to the study area which is only 8.4m2.

Comment [SB29]: In fact there are 2 direct windows into the study one on the western wall and a full floor to ceiling height window on the south wall. In addition to this there is a light shaft taking light from the roof light in the bedroom, through the gap formed by the bedroom floor being short of the south wall allowing yet more light into the study. All this is clearly illustrated on the drawings.

- 6.15 The external amenity space is limited as the garage of No. 3 is immediately to the rear of the application site. As such the only space is to the front of the building which is to be utilised for the parking of a motor vehicle, storage of refuse and recycling bins and a narrow landscape strip. There is no usable private amenity space for the future occupants/owners of this dwelling. The curtilage would also be dominated by trees along the western boundary of the site that would dominate this external space. Given the position of the building to the trees, there would be a lack of natural light from late afternoon to this external area. It is therefore not considered that the proposed dwelling would provide adequate residential amenity to future occupants/occupiers.

Comment [SB30]: All rooms are well lit. The study is dealt with in the comment above. The bathroom has its own rooflight. The main living space is lit by 2No. traditional windows of 600w x 1100h and 1800w x 1100h. In addition to this there are 2 large rooflights on the western slope of the roof each measuring 900w x 1400l. The kitchen will also benefit from the same lighting 'slot' that serves the study. The local authority have never mentioned rooflights when they are clearly shown on the drawings and were referred to at length in our original planning appeal written submission.

- 6.16 The proposed dwelling is sited directly adjacent to the curtilage of No.3 Montgomery Road. The access to No.3 directly abuts the eastern boundary of the application site and leads to a detached garage that would be directly to the rear of the proposed dwelling. It is considered that the use of the access and garage on a day to day basis for uses such as parking, manoeuvring, servicing and maintenance of vehicles as well as any pedestrian activity by the residents of No. 3 would be likely to result in unacceptable noise and disturbance to the future residents of the proposed dwelling. Due to the limited internal and external space, future residents would have limited opportunity to avoid this disturbance. As such the relationship between the proposed dwelling and No.3 is not considered acceptable.

Comment [SB31]: The area of the external space within the redline curtilage of the proposed property is in excess of 61m2. Removing from this the area for a standard car parking space 2.4x4.8m =11.52m2 and the area for waste bins a further 1m2 leaves the future residents with in excess of 48m2 outside space. We notice that the local authority has suggested a condition No. 5 asking for details of landscaping to be submitted for any approved scheme. There is sufficient area of outside space for a 1 bed dwelling to use well. We further note that this space is south facing and yet the local authority suggest that in the late afternoon this area would suffer lack of natural light. In our view a south facing garden is normally considered one where light is of the best quality.

- 6.17 (iv) Impact on No.3 Montgomery Road

No.3 Montgomery Road is a large detached property set within a substantial plot. The garage the subject of this application is to the east of the site and is not within the ownership of the occupants/occupiers of No. 3. The separation distance between the main house and garage is only 4m.

Comment [SB32]: It is difficult to understand how the building's current use as a garage with its potential for car movements could be at odds with the proposals where that same amount of car movements could result. There can be no criticism of the scheme on this point.

- 6.18 It is considered that the conversion and extension of the garage has been carefully designed to ensure that there is no loss of residential amenity to No.3 Montgomery Road. The main bulk of the new work proposed (the two storey addition) is sited on the western side of the site beyond the sloping roof of the garage and against a backdrop of trees. It would project only 1.2m above the new ridge line for a distance of 4.6m. As such the impact of the bulk of the new work on the outlook of No.3 is considered to be limited and acceptable, particularly when having regard to the generous site characteristics of No.3. There are no windows proposed in the east elevation of the proposed dwelling and the two storey element would result in no direct loss of light. A letter of objection has been received from the owners of No.3, however it was not considered that their amenity would be so adversely affected as to warrant refusal on this ground.

Comment [SB33]: ; The separating distance between the garage and No3 Montgomery Road is an existing feature. HBC have accepted that the development does not adversely affect No3 (see 6.18). The separation distances between many nearby adjacent properties is less than 4 metres with some being less than 2m as at 29 and 31 Bellair Road.

- 6.19 (v) Highway implications/parking

The block plan indicates one parking space on the existing hardstanding. Refuse and recycling bins would be sited at the front of the site and bicycle storage is shown within the dwelling. Given the modest size of the proposed dwelling this provision in itself is considered adequate to meet the needs of the household.

Comment [SB34]: Recognition that the building has been carefully designed.

Comment [SB35]: This is a statement of acceptance

6.20 (vi) Conclusion

Whilst the application site lies within the urban area, when analysed in detail it is clear that the proposed development by virtue of its size, appearance and layout would result in a contrived and cramped form of development, incompatible with the prevailing form of residential development in Montgomery Road. The proposal would therefore result in an incongruous form of development, that would adversely affect the character and appearance of the area. The proposal would therefore be contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, the Borough Design Guide SPD and the National Planning Policy Framework 2012.

Comment [SB36]: We have proved in our comments to 6.14 that the inside space is not cramped and in 6.15 outside space is reasonable. Therefore Cramped is not a word to describe the development

Comment [SB37]: HBC only thought that 2 other households should be consulted to see if they agreed with this statement. No resident or member of the public has agreed with the Council on this point.

6.21 Furthermore the proposed development is also considered unsuitable for a residential conversion by reason of its size, design and layout. The building would fail to provide suitable internal and external amenity space resulting in unacceptable living conditions and amenity for future occupants/occupiers of the dwelling. The dwelling and its curtilage are dominated by existing trees and vegetation along the western boundary limiting light into the building and the usable area to the front further detracting from the residential amenities of future occupiers. The amenities of the dwelling and its curtilage would also be harmed by the use of the adjacent access drive and garage to the rear of the site that serves No.3 Montgomery Road, as a result of noise and disturbance from general domestic activities. The development would therefore again conflict with policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

Comment [SB38]: As a conclusion this is a repetition of previous statements which are previously refuted in paragraphs above.

6.22 Whilst the impact upon the immediately adjacent residential property is considered acceptable and adequate car and cycle parking provision can be secured within the site, these elements of the proposal are not considered sufficient to overcome the serious harm to the character of the area, and the otherwise poor living environment that would be available to future occupiers.

Comment [SB39]: "serious harm" was not stated as a reason in the original decision. It is a recent and stronger invention. How can a modest addition to a secluded corner shrouded by trees possibly cause "serious" or indeed any "harm" to the character of the area?

7.0 COMMENT ON THE GROUNDS OF APPEAL

7.1 The issues raised within the appellants grounds of appeal have largely been covered within section 6 of this report. This sets out clearly the issues of harm that would be caused to the character of the area by the conversion and extension of the existing garage to form a new dwelling, and the nature of the concerns that the Council has with the living environment that would be created for future occupiers. Section 6 links these issues to relevant extracts from the Local Plan (Core Strategy) 2011, the Borough Design Guide 2011 and the NPPF, to demonstrate that, contrary to the appellant's bullish assertions, these documents have been properly considered in reaching the Council's decision. The fact that the garage already exists is not considered to represent a compelling justification to then permit that same plot of land to accommodate a dwelling, whose physical characteristics and constrained position within the plot will appear very much at odds with the spacious residential character of its surroundings, and the appropriateness of which must be scrutinised closely in order to understand whether a good quality living environment would result – the Council's view is that it would not.

Comment [SB40]: Generally it is a great disappointment that rather than HBC taking this opportunity to read and consider our appeal statement, large amounts of this document are merely copied out from the Delegated Report made by HBC at the time of the application. Even when the inaccuracies of the original report have been pointed out in our appeal document such as the levels of light in the main living space, the inaccuracies have been retained. This does not make them fact. Clearly a re-review of the drawings and other submitted material has not been done in the preparation of HBC's statement.

7.2 The suggestion that the Council's decision in this case may have been unduly influenced by the representations received from the adjacent occupiers of No. 3 Montgomery Road is evidently misplaced, given that the impact upon that property was not, of itself, a matter forming part of the reasons for refusal.

Comment [SB41]: This is rather a personal way of speaking. It is not "bullish" to exercise a right of appeal and refute the Council's points.

8.0 CONCLUSION

8.1 The application has been considered against both Local and National Planning Policy and it has been found in section 6 that such a form of development would not be environmentally

sustainable and thus would not meet the requirements of Local Plan (Core Strategy) Policy CS16, the Borough Design Guide SPD or the NPPF.

- 8.2 The Inspector is therefore respectfully requested to dismiss this appeal. Should, however, the Inspector be minded to allow the appeal and grant permission for the proposal, the Council would request that the planning conditions set out in the separate submitted document are attached to any permission.

APPENDICES

- (A) Site Location Plan

CONCLUDING SUBMISSIONS OF APPELLANT

- A. Every point raised by Havant Council (and the lone neighbour objector) has been fully answered.
- B. The Council in Paragraphs 4.1, 4.9, 6.4, 6.20, 6.21 and 7.1 has referred to the NPPF and the dimensions in it for “sustainable development” namely the economic role, the social role, and the environmental role. These are defined in Paragraph 7 of the NPPF. In its submissions the Council has completely overlooked the economic role and the social role. The economic role is to contribute to a strong, responsive and competitive economy by supporting growth and innovation which is achieved by provision of an extra dwelling incorporating a study and library, close to the centre of Havant, a commuter town, a hub town, and a town with industrial parks, and this thereby supports growth and innovation. The social role includes supplying housing to meet the needs of present and future generations with accessible local services and which supports its health, social and cultural wellbeing. The development is close to local services, close to dentists’ and doctors’ surgeries, and, on the cultural side, very close to Havant Arts Centre and Museum. The environmental role includes improving biodiversity and adapting to climate change. Biodiversity will be increased by new plants being introduced to the site in accordance with the landscaping planning condition suggested by the Council. Adapting to climate change will be achieved, inter alia, by introduction of insulation to the garage building for the first time in accordance with modern building regulations.

- C. The design is imaginative and innovative and is carefully designed for the existing plot and existing building. For all the reasons set out at length in the Appeal Statement, it fulfils all requisite planning, aesthetic, and design criteria.
- D. The Council have failed to give any recognition or weight to the desirability of harmonizing new with old in a design that modifies but retains an existing building and uses compatible local materials of old bricks and new wood while generating extra living accommodation thereby providing a much-needed addition to Havant's housing stock.
- E. In Paragraph 6.2 the Council states that the "principle of development" is "normally considered acceptable in such locations" as the site in question. This is a major admission of vital importance. The Council states that this is "subject to a detailed assessment of design" and "impact upon the surrounding context". But there was no "detailed assessment of the design" in the Council's Statement or original planning decision. If the development was acceptable in principle the Council should have been able to pinpoint any alleged design flaws by showing what an appropriate design would have been and precisely where this one fell short of it. But the Council has not identified any design flaw nor indicated what any acceptable design would be. In reality, the Council is suggesting that no design would be acceptable for this particular location. Likewise, the Council is not showing what acceptable form of development there could be which does not impact adversely "upon the surrounding context" or show how this scheme itself has any significant adverse effect. The Council's position, in reality, is that on the one hand the development is acceptable in principle but on the other hand any such development there is not in fact acceptable in any way. The Council is thus contradicting itself by saying 'the principle of development is acceptable' for this location but then rejecting residential development on this location for reasons of general principle. The Appellant contends that the Council is right to accept the principle of development at this location and should have had the courage of its convictions and granted planning permission rather than looking for exceptions or excuses to avoid the very principle that they have accepted. The exceptions are not genuine exceptions in their own right supported by detail, facts and evidence

but mere excuses for not applying the principle of development.

- F. The Council have merely asserted in general terms a lack of compliance with their planning policies, but the Appellant has shown by detailed analysis and by pinpointed reference to the policies, that the design really has incorporated them and honours both the letter and the spirit of those policies.
- G. The design creates a cosy dwelling in a tucked-away corner of Montgomery Road. Due to its end-position and shielding by trees, it will not affect the general view or perspective on Montgomery Road and cannot possibly, as the Council extravagantly suggests, cause “serious harm to the character of the area” and the Council cannot seriously believe this as it only notified 2 people, one of whom was the Applicant itself, and they only received one letter of objection (from No. 3 Montgomery Road). This one objection did not challenge any detriment to the character of the area (merely to alleged loss of light and loss of a private view).
- H. The Council’s suggested planning conditions (which are acceptable to the Appellant) are comprehensive and should ensure that all legitimate environmental and planning considerations raised by the Council are met.

The Inspector is respectfully requested to allow this appeal subject to those conditions.