
Site Address:	45A Portsdown Hill Road, Havant, PO9 3JU		
Proposal:	Demolition of existing house and construction of 1No. two-storey 4 bed detached dwelling and attached garage.		
Application No:	APP/15/00598	Expiry Date:	06/08/2015
Applicant:	Mr Deng	Team:	Team 1
Agent:	Mr McDermott	Case Officer:	Rachael McMurray
	Town Planning Expert		
Ward:	Bedhampton		

Recommendation: **REFUSE PERMISSION**

1 Site Description

The site is located on the southern side of Portsdown Hill Road, overlooking the hill and the harbour beyond. The streetscene is characterised by large detached family dwellings set within generous grounds. The established built form incorporates clear and defined gaps between the dwellings which are predominantly set at a lower level than that of Portsdown Hill Road. This setting, along with strong frontage planting, results in a 'low Key' appearance of dwellings along this section of the road.

The application site comprises a detached bungalow set back from the highway. There is a paved driveway to the front of the property which allows for on site parking. As with other dwellings along this section of Portsdown Hill Road, the property is set down to reflect the level changed at the rear of the site. The loft space of the bungalow has been converted into living accommodation and there is a flat roof dormer located at the rear. The rear boundary wall is built up to form a parapet wall. The garden is of a generous size and extends downwards towards the field at the rear. It is enclosed along the side boundaries by a fence with a high hedge screen. The field to the rear of the site is currently being developed for new housing.

Unlike other properties on this section of Portsdown Hill Road, No. 45a is positioned very close to its neighbouring properties. These neighbours include No. 47 which is a Grade II listed building comprising an art deco style house built in the 1930's. It has an unusual design with curved north and south corners and full width, panoramic windows. Also No. 45 which is a large, two-storey dwelling of a more traditional design.

2 Planning History

97/52133/007

Dormer to south (rear) elevation. Approved.

90/52133/002

Single storey side extension. Approved

3 Proposal

Demolition of the existing house and construction of 1no. 4 bedroom detached, three-storey dwelling and attached front garage.

4 **Policy Considerations**

National Planning Policy Framework

Havant Borough Local Plan (Core Strategy) March 2011

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS16	(High Quality Design)
CS9	(Housing)
DM13	(Car and Cycle Parking on Residential Development)

Havant Borough Local Plan (Allocations) July 2014

DM20	(Historic Assets)
AL1	(Presumption in Favour of Sustainable Development)
DM24	(Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 **Statutory and Non Statutory Consultations**

Building Control, (Fire Access Consultation):

No objections

Development Engineer - Highways:

Formal Response

The Highway Authority has no adverse comment to this application. I would suggest that the Planning Authority impose conditions for the provision and retention of three parking spaces and cycle facilities on the site in order to conform to the HBC Parking Standards.

Crime Prevention -Minor Apps:

No response received.

Conservation Officer:

This development adjoins 47 Portsdown Road, a notable modernist “sunspan” building by Wells Coates. Such buildings have been accorded greater significance in recent years. This building is a particularly complete example. It is currently accorded grade II status but may be worthy of upgrade.

I am familiar with the correspondence from the C20 Society which sets out in some detail the historical background to the modern movement, the pre-eminence of the architect and the philosophy of the design approach. I endorse what is stated.

To make an assessment of the impact of the proposed development on the listed building and its setting I have viewed from within, its grounds and further afield (Auriol Drive) . There can be no doubt that the development site falls within its setting. Under the legislation listed buildings are included within a wider grouping termed “heritage assets”.

The National Planning Policy Framework (NPPF) s.128 requires ‘ ..an

applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.

This would normally be covered in a Heritage Statement. The current application is deficient in this regard.

The present property (no 45a) and those in the immediate vicinity sit in a commanding position enjoying uninterrupted views of the coast, Chichester Cathedral and Fawley. The houses sit in deep sloping plots, with in some cases creative use of changes in level. The houses maximise the plot width by being built close to the side boundaries.

Setting.

Although the houses are built relatively close together, the diminished scale of 45a, minimises its visual impact. As viewed from the road there is a sense of spaciousness around no 47 which serves to isolate and add to its significance. Similarly, in views looking back, no 47 is the most conspicuous element aided by its distinctive form and the lack of buildings of competing scale.

The current building at 45a has little architectural distinction. Its recessive nature is its most positive feature. The proposed replacement building due to its size, mass, scale, location and design will be a dominant element when viewed close to and from afar. It is built very close to the boundary. The impact on no.47 is exacerbated by the conscious design for its orientation.

The local planning authority has a statutory duty under s.66 of the P(LBCA)Act 1990 to ...have special regard to the desirability of preserving the .. setting .. of a listed building. S.132 of the NPPF also states

*"132. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. **Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.** (my emphasis)*

Although the proposed development will not have a direct physical impact on the listed building, it will cause significant material harm to its setting. This in itself is grounds for refusal. In closely balanced cases it is appropriate to consider and weigh up other public benefits that might arise. No such benefits exist in this case and the presumption (as confirmed by the Courts) is heavily weighted in favour of protecting the asset and its setting.

Apart from the scale and mass there is little to commend the design of the replacement building which in contrast to its neighbour, lacks any cohesive design approach or context. S.56 of the NPPF states:-

56. 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.

CONCLUSION

Aside from any amenity considerations a key issue is the impact of the proposed development on the adjacent iconic “sunspan” listed building. Although some limited contextual information is provided, from the information I have seen, the application lacks any clear acknowledgement of the significance of the listed building, what contributes to its setting and the steps that have been taken in the formulation of the design to respond to this. My own findings identify the scale, visual separation and overall dominance of the listed building as important factors. The proposals fail to reflect this and as a result the replacement is not only of poor design, but it will have a significant detrimental impact on the building’s setting which will detract from its special architectural interest. Accordingly I must recommend REFUSAL on grounds of:-

1. The application lacks an assessment of the adjacent listed building, its setting and how the proposed development has been designed to preserve and take account of this. It therefore falls short of the requirement set out in the National Planning Policy Framework (NPPF) and related guidance.
2. Notwithstanding the above, the proposed development by virtue of its design, scale, mass and proximity will have a significant detrimental impact on the neighbouring listed building (no.47). As such it is contrary to the National Planning Policy Framework (NPPF), Planning Practice Guidance (Conserving and enhancing the historic environment; Design), related Historic Environment Good Practice Advice and policy CS11 of the adopted Havant Borough Core Strategy (2011)

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 2

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 3

Two objections were made against the application. One of these is on behalf of both neighbouring properties. The points raised in these are summarised below.

- i. The nature, scale and form of this application will cause substantial harm to the setting of the dwelling on the adjacent plot, No. 47 which is a designated heritage asset within the meaning set out in the Glossary of the National Planning Policy Framework (NPPF).
- ii. The new dwelling would appear dominant, overbearing, out of scale, intrusive and completely out of character with the form and nature of the neighbouring listed building.

iii. The new dwelling would project significantly southwards beyond the rear elevation of No. 45 and the east corner of No. 47 and as such would be overbearing and detrimental to the neighbours' outlook and result in a loss of daylight and sunlight.

iv. Drawing 009 seeks to demonstrate that the new house would not intrude into the 45 degree outlook from the 'centre point of the nearest rear elevation window (serving a bedroom) but it fails on three counts: 1) the outlook is projected out at 90 degrees and not 45 degrees from a window within No. 47, 2) the projection is taken from a bedroom which is a room mainly used at night, 3) and the principle outlook from No. 47 is from its first floor lounge and not its bedrooms.

v. If the 45 degree test was applied to the first floor lounge, the outlook projection would pass through the proposed house, approximately 4.8m back from its rear elevation.

vi. A Design and Access Statement would have helped interested parties to appreciate how this site had been evaluated and analysed.

vii. The application should have included a heritage statement and therefore does not comply with Policy CS11 of the Local plan.

viii. Policy CS16 calls for the promotion of wildlife and biodiversity, yet no evidence has been submitted to confirm that demolition of the bungalow would not lead to the loss of habitat for endangered species i.e. bats.

7 Planning Considerations

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Impact upon the character and appearance of the area
- (iii) Impact on the residential amenity
- (iv) Impact on the setting of the adjacent listed building
- (v) Highway implications / parking considerations
- (vi) Developer contributions

(i) Principle of development

The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria.

(ii) Impact upon the character and appearance of the area

The locality is residential in character and includes dwellings of varying designs and ages. The existing dwelling is a bungalow which contrasts with the majority of other properties which are mainly two-storey on the road side and three-storey at the rear (reflecting the change in levels). The neighbouring properties to the site include a three-storey, art deco building at No. 47 (which is Grade II listed) and a more traditional style two-storey dwelling at No. 45. The houses are arranged in a linear pattern along the southern side of Portsdown Hill.

The proposed new dwelling would be built on the same front building line as the

existing dwelling, with a single storey garage projecting forward to the same depth. Whilst the new dwelling would be three-storey to the rear, it would present only one storey to Portsdown Hill Road, thus creating a roofline generally comparable with the existing dwellings. As such, it is considered that the design of the dwelling would not be out of keeping with the character of the immediate streetscene. With regard to the wider views from the harbour and motorway to the south, the proposed three-storey dwelling would be visible on the hilltop, as the existing dwelling is at present.

(iii) Impact upon residential amenity

The existing dwelling has a closer spatial relationship to the neighbouring properties than other dwellings along this section of Portsdown Hill Road. The spacing between the dwelling and No. 47 is particularly tight as the existing dwelling is located immediately next to the boundary. However as the application site comprises a bungalow with hipped side elements and good screening along the side boundaries, it does not form an overbearing physical presence. Furthermore the existing rear building line is set back in line with the rear elevation of No. 45. There is a conservatory structure on the rear elevation but has a low level roof and is mainly screened from view.

In contrast to the existing dwelling, the proposed dwelling would extend upwards and outwards. The scale would increase from a single storey, hipped roof bungalow to a three-storey dwelling with a dual pitch, gable end roof at the rear. Due to the close proximity of the neighbouring properties, this would undoubtedly have a degree of impact. The impact on each neighbouring property will be discussed in turn below.

With regards to No. 47, the impact of the new, much larger dwelling would be of notable significance as a result of the unique curved design of No. 47. The dwelling stands diagonally in its plot and was built in a 'sunspan' style which means that it has a panoramic curved window on both the first floor, serving the lounge and the second floor, serving a bedroom. This is so as to maximise the solar gain internally. At present the existing bungalow has minimal visual impact from the windows in the south east elevation of No. 47, as the rear building line does not extend past the eastern corner point of No. 47.

As the proposed dwelling would extend out a further 3.5m from the existing rear building line, at a distance of 1.2m from the shared boundary, whilst increasing the height to three-storey with gable ends, it is considered that this would form a significantly overbearing structure which would have an adverse impact from the outlook of these windows. When applying a 45 degree test which is advised in the Council's adopted design guidance SPD, the new dwelling would greatly impede past the 45 degree angle from both the centre point of the closest bedroom window and also the nearest corner of the panoramic window. A plan (Drawing Number P009) showing the 45 degree test applied to the proposal has been submitted with the application. However, it is noted that the measurement taken from the closest bedroom window is that of 90 degrees and not 45.

With regards to impact on amenity, the main external amenity space at No. 47 is situated on both the flat level verandah outside of the lounge window and also further down into the garden in the form of a patio area, close to the shared boundary with No. 45A. It is considered that the new dwelling by reason of its height, depth and proximity to the boundary, would form a considerable overbearing presence on the private amenity space of No. 47.

With regards to No. 45, the new dwelling would extend past the rear building line by 2.5m. When applying the 45 degree test, the development would be within the 45 degree angle and would therefore be considered to not result in an adverse loss of outlook from the rear. However, No. 45 does contain a number of windows in the side elevation facing onto the application site, one of which is the sole aspect of light to that bedroom. The increase in height of the existing bungalow to a three- storey dwelling would mean that this bedroom would suffer a significant loss of daylight, detrimental to the occupiers of the property.

Policy CS16 (High Quality Design), criterion E, of the Local Plan advises that the development should not cause unacceptable harm to the amenity of neighbours through smell, the loss of privacy, outlook, noise and overlooking. It is considered that the proposal development does not comply with Policy CS16 for the reasons outlined above.

(iii) Impact on the setting of the listed building .

As previously stated, No. 47 is a Grade II listed building. It is a notable modernist 'sunspan' building by Wells Coates built in 1936. One of the key design features is that the large living room spans two sides of a square plan, enabling it to receive the maximum amount of sunlight. For that reason No. 47 was named 'Sunspan House' and explains why it was built diagonally on this south facing plot on Portsdown Hill. It is considered to be an important heritage asset as an example of important modern architecture.

The setting of this listed building setting encompasses the land on either side of the dwelling, its large rear garden and its frontage from Portsdown Hill Road. As viewed from the road, there is a sense of spaciousness around No. 47 which serves to isolate and add to its significance. Looking upwards from the rear garden, No. 47 appears more distinctive as a result of the lack of buildings of competing scale.

Concern has been raised by owners of No. 47 as well as the Twentieth Century Society that the proposed dwelling, by reason of its mass, height, bulk and proximity to No. 47, would have an adverse impact on the setting of the listed building and would result a harmful effect on the historical integrity and character of the building. In contrast, the existing bungalow whilst not of any architectural merit, is low level and does not harm the significance of No. 47.

Concern has been raised that the proposed dwelling has been designed in isolation from the site. There is no information submitted with the application in terms of a heritage statement, which would describe the significance of any heritage assets affected (i.e. No. 47), including any contribution made by their setting. As such, the application does not comply with advice laid out in the NPPF and Allocations Plan Policy DM20 (Historic Assets) which advises that applications that affect, or have the potential to affect, heritage assets are expected to provide a Heritage Statement that: describes the significance of the asset and its setting, design and sets out the impact of the development on the heritage assets and mitigation that is proportionate to the impact and the significance of the heritage asset. Policy CS11 of the Local Plan (Protecting and enhancing the Special Environment and Heritage of Havant Borough) advises that planning permission would be granted for development that protects and where appropriate enhances the borough's statutory and non-statutory heritage designations. However, without a heritage statement, the impact cannot be fully considered. The proposal therefore fails to comply with both Policy DM20 and Policy CS16.

The Council's Conservation Officer (CO) has also raised concern that the application lacks any clear acknowledgement of the significance of the adjacent listed building, what contributes to its setting and the steps taken in the formulation of the design to respond to this. The CO is also of the view that the proposed development by virtue of design, scale, mass and proximity will have a significant detrimental impact on the neighbouring listed building. The CO has recommended that the application is refused on those grounds.

(v) Highway implications / parking considerations .

The development would be served from the existing access off Portsdown Hill Road and it is considered that the limited additional traffic generation would be acceptable in terms of highway safety and wider amenity. The site could easily accommodate 4no. parking spaces on site which would accord with the Council's adopted parking standards.

vi) Developer contributions

The proposal is CIL liable for a payment of £14,000 although it is noted that a self build exemption has been claimed. It is also liable for a contribution towards the SDMP (Solent Disturbance Mitigation Project) of £174 plus an admin and monitoring fee. The relevant paperwork for this has not been returned and completed by the required date. The proposal therefore fails to accord with Policy CS21 (Developer Contributions).

8 Conclusion

The application is considered to result in a form of development that would be significantly detrimental to the occupiers of the neighbouring properties and the setting of the adjacent listed building. As such, the application is to be recommended for refusal.

9 **RECOMMENDATION:**

That the Executive Head of Planning and Built Environment be authorised to **REFUSE PERMISSION** for application APP/15/00598 for the following reasons:

- 1 The proposed development by virtue of its design, scale, mass and proximity to the side boundaries, will have a significant detrimental impact on the neighbouring properties. The proposal is therefore contrary to policies CS16 and CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 2 The application lacks an assessment of the adjacent listed building, its setting and how the proposed development has been designed to preserve and take account of this. It therefore falls short of the requirement set out in the National Planning Policy Framework (NPPF), related guidance, policy CS11 of the adopted Havant Borough Core Strategy (2011) and Policy DM20 of the Allocations Plan 2014.

- 3 Notwithstanding the above, the proposed development by virtue of its design, scale, mass and proximity will have a significant detrimental impact on the neighbouring listed building (no.47). As such it is contrary to the National Planning Policy Framework (NPPF), Planning Practice Guidance (Conserving and enhancing the historic environment; Design), related Historic Environment Good Practice Advice and policy CS11 of the adopted Havant Borough Core Strategy (2011)
- 4 The proposal, without completion of the appropriate binding arrangements to secure a contribution towards the Solent Disturbance Mitigation Project, is contrary to the Council's Policy on contributions towards ecology which seeks to ensure that the provision is made from new residential development towards the mitigation of the likely significant effect on the Special Protection Areas. It is therefore contrary to policies CS21 and DM24 of the Havant Borough Local Plan (Core Strategy) 2011, Allocations Plan 2014 and the National Planning Policy Framework 2012.