



Appeal Statement

26 Castlemans Lane
Hayling Island
PO11 0PZ

1. Introduction

- 1.1. This appeal statement has been prepared to support the following proposal:
- Two storey rear extension with velux windows, and single storey brick built conservatory with changes to ground floor roof at front.
- 1.2. The appeal is submitted by The Town Planning Experts who act as planning consultants for this scheme

2. Planning History

- 2.1. On May 2014 a planning application for this development was refused by Havant Borough Council for the following refusal

The proposed development would result in an excessive building bulk adjacent to an existing residential property, detrimental to the visual outlook, light available to, and amenities of the occupier of this property. The proposal is therefore contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the guidance contained in the Havant Borough Design Guide Supplementary Planning Document and the National Planning Policy Framework 2012.

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3. Site Context

- 3.1. 26 Castlemans Lane is a two-storey semi-detached dwelling house on the east side of the lane.
- 3.2. The properties within the lane consist of a repetition of standard designs albeit most have been extended in some form. The western side of the lane consists of farmland.
- 3.3. Properties within the area are predominantly detached and semi-detached, two-storey, houses. These are set in moderate sized plots with private gardens.
- 3.4. 26 Castlemans Lane has previously been extended forward by the addition of a single storey extension, porch and garage, and also enjoys a conservatory to the rear.
- 3.5. No 28 Castlemans Lane which is immediately adjacent to the north is set back behind the front of No 26 and has been extended to the rear.
- 3.6. Castlemans Lane lies in the centre of Hayling Island and is accessed off the A3023 Havant Road.
- 3.7. Hayling Island lies to the south of the town of Havant.

4. Policy Framework

National Policy

- 4.1. The National Planning Policy Framework (NPPF) became the primary national planning policy guidance on 27 March 2012. It replaced the previous PPS/PPG system of guidance documents and deleted a significant proportion of planning policy including the Regional Spatial Strategies (RSS). The NPPF includes transitional arrangements for Local Authorities to either prepare a plan that would be NPPF compliant or adapt an existing post 2004 plan to be compliant.

Sustainable Development

- 4.2. Paragraphs 6 and 7 of the NPPF sets out the Governments overriding objectives of securing sustainable development. Para 7 of the NPPF identifies the roles of the planning system in achieving sustainable development:

There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

● *an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*

● *a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and*

● *an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.*

- 4.3. Para 14 goes on to provide further emphasis on the focus towards sustainable development stating:

14. At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For plan-making this means that:

- *Local planning authorities should positively seek opportunities to meet the development needs of their area;*
- *Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - *specific policies in this Framework indicate development should be restricted.*

For decision-taking this means:

- *approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - *specific policies in this Framework indicate development should be restricted.*

4.4. The Framework sets out 12 core principles including that the planning system should

- *always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;*

4.5. Section 7 of the NPPF sets out the governments aspirations for requiring good design. Para 58 is particularly relevant and states:

Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics. Planning policies and decisions should aim to ensure that developments:

- *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- *establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;*
- *optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;*
- *respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;*
- *create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion;*

and

●are visually attractive as a result of good architecture and appropriate landscaping

Local Policy

4.6. The Havant Borough Core Strategy is the principal document in the council's Local Plan. It covers the Borough of Havant, setting out the spatial planning strategy for the area up to 2026.

4.7. Policy CS16 of the Core Strategy deals with design and indicates:

“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:

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

a) Identifies and responds positively to existing features of natural, historic or local character within or close to the proposed development site;

b) Integrates with existing local landscape features, promotes wildlife and biodiversity and/or applies characteristics of the local area into the design of a scheme wherever possible to create variety and interest;

c) 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;

d) Is well connected to and integrates with the immediate local area and the wider area by linking to existing pedestrian and cycle routes and encouraging people to use public transport where possible; and

e) The development does not cause unacceptable harm to the amenity of neighbours through smell, the loss of privacy, outlook, noise and overlooking.”

4.8. The Havant Borough Design Guide Supplementary Design Guide was adopted in December 2011 and sets out the council's design expectations with regard to new development and helps to identify and define the distinctive character and qualities of the borough that should be respectfully improved and enhanced through development.

5. Development Principles

- 5.1. The appellant seeks to enlarge No 26 Castlemans Lane by the addition of a two storey rear extension with velux windows, and single storey brick built conservatory to the rear. It is also proposed to make changes to the ground floor roof at the front of the property.
- 5.2. The Council's concern only relates to the two-storey extension and its proximity to No 28 Castlemans Lane and in particular to a ground floor door and kitchen window to the side (south) elevation.
- 5.3. The principle of extending the property is not in question, and no objection is raised to the conservatory nor to the alterations to the front of the property.
- 5.4. The property at present enjoys a conservatory to the rear and a single garage both of which would be demolished as part of this proposal
- 5.5. The property currently consists of a 3-bedroom house, albeit the bathroom facilities are all situated on the ground floor. The extensions now sought would retain the property as a 3-bedroom house but provide for a larger, more useable main bedroom and allow the bathroom to be moved upstairs.
- 5.6. The two-storey extension would extend 3.6 metres off the rear wall of the original house and would line through with the side wall. No side windows are proposed, with windows to the rear (east) elevation only. Materials would be brick and tile to match the existing.
- 5.7. The extension would be 1.5 metres from the common boundary with No 28, which is currently marked by low shrubs. It is the appellant's intention to erect a 1.8 metre high timber fence on this boundary.
- 5.8. In coming to its decisions the local planning authority relies upon the Borough Design Guide which indicates in paragraph 5.42 the desirability of 2-storey extensions being sited at least 2 metres from all boundaries, and in paragraph 5.43 the need to avoid unnecessary loss of light to neighbours.
- 5.9. It is pointed out however, that this is only a guide and each case must be considered on its own merits.
- 5.10. No 28 gains its main entrance at the front of the property, but also enjoys an entrance to the side which with a window serves a kitchen. Initially it is assumed there would also have been a rear window serving this room, but the property has been extended to the rear by a single storey extension and a conservatory. There is also a flat roof shed on the boundary with No 26.

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- 5.11. The proposed extension will be 3 metres from the side door and window.
- 5.12. Given the relationship of the properties the appellant does not argue that no loss of light would arise to the occupiers of No 28, however would make the point that such loss of light as may result would not be significant, compared to what could be built either as permitted development or with the consent of the local planning authority.
- 5.13. In coming to its decision it is considered that the local planning authority has not taken into account the nature of the door and window, nor has it taken into account the removal of the garage, or considered the fall back position.
- 5.14. The door is a secondary entrance to the property and together with the window serves a kitchen. Although in recent years kitchens have increasingly been seen as an important room in the house, it is still the case that they are classed as non-habitable rooms under the Building Regulations and as such, subject to mechanical ventilation being provided, natural light or ventilation is not required.
- 5.15. The occupiers of No 28 Castlemans Lane have taken a decision in the past to extend the property to the rear limiting the level of light to that room, relying instead on light gained from the rear garden of No 26. It will be further noted that there is a canopy over the door which, together with the large shed adjacent, reduces the amount of light available.
- 5.16. At present such light as the kitchen receives is only due to the fact that the boundary only consists of low level shrubs, but as indicated above, in order to protect their privacy the owners of No 26 intend to erect a 1.8 metre high fence on the boundary in the near future under their permitted rights. This would be 1.5 metres from the door and window.
- 5.17. Due to No 28 being staggered further back from the lane than No 26 the door and window are sited towards the end of the proposed extension. As such any loss of light resulting from the proposed extension will be compensated for by the removal of the garage.
- 5.18. In making its decision case law indicates that the local planning authority must have regard to the fall back position, that is that work which could be undertaken without requiring a planning application to be made or which would be acceptable to the council.
- 5.19. **In R (on the application of ZURICH ASSURANCE LTD T/A THREADNEEDLE PROPERTY INVESTMENTS) (Claimant) v NORTH LINCOLNSHIRE COUNCIL (Defendant) & SIMONS DEVELOPMENTS LTD (Interested Party) [2012]**, Mr Justice Hickinbottom commented that the prospect of a fall back does not have to be probable, or even have a high chance of occurring. Rather, it has to be only more than a merely theoretical prospect.

5.20. On 1 May 2014 the case officer wrote to the appellants stating

It is recognised that No.26 will benefit from permitted development rights which would allow for a more modest size of 2-storey extension to be constructed, and in light of the above I would therefore invite a resubmission of drawings showing changes to the 2-storey rear extension in accordance with the Permitted Development tolerances. Those being that it does not project beyond the rear wall by more than 3metres and that no part sits closer to any boundary than 2metres. While it is noted that even a PD compliant 2-storey extension will have an impact upon the neighbour at No.28, it is considered that the extension this application seeks permission for will cause extra, undue harm upon the occupiers of No.28, and I cannot support it in its present form.

See Appendix A

5.21. The local planning authority therefore accepts that there is a fall back position which would require only modest changes to the submitted plans, namely reducing the extension by 0.6 metres in length and 0.5 metres in width. The local planning authority has confirmed in writing that such a scheme, with the exception of the work to the front of the house, can be built under permitted development rights.

See Appendix B

5.22. Should planning permission not be granted for the scheme the subject of this appeal it is the appellant's intention to build the revised scheme.

5.23. In the opinion of the appellant having regard to the removal of the garage and the erection of a 1.8 metre fence the impact would be no different than the extension the subject of this appeal.

5.24. Although the local planning authority has raised no objection to the conservatory and alterations to the front of the property the following comments are made in support of them.

5.25. The conservatory is 3.5 metres square and is set in slightly from the side wall of the house. Being single storey and on the north side of No 24 Castlemans Lane it will have no impact on the amenities of that property.

5.26. The alterations at the front consist of adding a pitched roof to the present, flat roofed, porch and garage. This would be undertaken in matching tiles to the existing house and will improve and enhance the existing dwelling when viewed from the lane.

6. Conclusion

- 6.1. It is considered that the proposed extensions would comply with local and national policies regarding extensions to properties, improve the appearance of this property and reflect similar extensions nearby which have been approved by the local planning authority.
- 6.2. In the context of local guidelines and policies, and having regard to the character of the area it is respectfully requested that the appeal is allowed.