

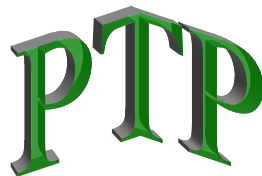
**TOWN & COUNTRY PLANNING ACT 1990**

**SECTION 78 HOUSEHOLDER APPEAL**

**APPEAL AGAINST THE DECISION OF HAVANT BOROUGH COUNCIL TO  
REFUSE A GRANT OF PLANNING PERMISSION FOR THE ERECTION OF  
PART TWO STOREY, PART SINGLE STOREY SIDE AND REAR EXTENSIONS  
FOLLOWING DEMOLITION OF EXISTING CONSERVATORY AND STORE  
AT 12 MANOR CLOSE, HAVANT, PO9 1BD**

**LOCAL PLANNING AUTHORITY REF: APP/13/01275**

**Written Representations of Mr & Mrs Southwell**



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**14<sup>th</sup> April 2014**

## **1.0 Introduction and Background**

1.1 This householder appeal is submitted following the decision of Havant Borough Council, as Local Planning Authority (LPA), to refuse a grant of planning permission for the demolition of the existing rear conservatory and the erection of a single storey rear extension; a first floor rear extension, and; an extension of an existing flat roofed dormer.

1.2 Permission was previously granted by the LPA (LPA Ref: - APP/13/00796) for a full width, 5.0m deep, single storey rear extension together with a replacement garage on 10<sup>th</sup> October 2013. As such, the principle of demolishing the existing conservatory and the construction of a single storey rear extension has already been established. In effect the appeal proposal seeks permission for just the first floor elements of the development.

1.3 The application was submitted to the LPA on 18<sup>th</sup> December 2013 and registered as valid 7<sup>th</sup> January 2014. The application was subsequently refused under Officers delegated powers on 4<sup>th</sup> March 2014 for the following reason:

- “1) *The proposed extension by reason of its size, design and prominent location would have a detrimental effect on the character and appearance of the existing building and character of the general townscape, and would be a discordant element in the St Faiths Conservation Area. As such the proposal is contrary to the provisions of the National Planning Policy Framework 2012, in relation to the quality of design and protection of the historic environment; it also runs counter to extant guidance set out in The Practice Guide to PPS5 and is contrary to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the objectives of the Havant Borough Design Guide Supplementary Planning Document 2011.*”

1.4 The appellants argue that the proposed extensions have been thoughtfully designed in a position to the rear of their property which is not visually prominent within Fairfield Road streetscene. The appellants contend that the proposals would not represent a discordant element within the conservation area but would simply appear as a constituent and “neutral” part of the Manor Close roofscape.

1.5 Section 38(6) of the Planning and Compulsory Purchase Act, 2004 states “*If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.*” It is considered by the appellants that the LPA cannot demonstrate where the development proposal does not accord with the policies of Development Plan. It is the contention of the appellants that the appeal proposal would not cause demonstrable harm to interests of acknowledged importance.

## **2.0 The Appeal Site and Its Surroundings**

2.1 The appeal site comprises the southern half of a pair of two storey, semi-detached houses located within Manor Close, Havant. Manor Close is a residential enclave constructed in the Arts and Crafts style during the 1930s. The Close is positioned to the north-east of Havant’s town centre and is within the St Faiths Conservation Area.



**Above: Aerial Photograph Indicating Site Location within Havant**

2.2 Houses within the Close are nearly all built as pairs of semi-detached dwellings. Those on the east side of the Close are constructed with brick elevations and incorporate prominent tile hung, splayed, projecting double bay windows, beneath clay tiled gabled hipped roofs. The side elevations of these properties are built with cat-slide styled roofs within which are set two tile hung, either flat; very gradually curved or; hipped roofed, dormer windows. The occupiers of several houses have filled in the sections between the dormers to form one large dormer. In one instance the two dormers have been replaced by a single brick built flat roofed addition.

2.3 The pairs of dwellings are constructed in two rows either side of a central 'spinal' footpath which originates from The Pallant, which is to the south. The houses on the west side of the close are, generally, of a different simpler design to those on the east. All houses in the Close are 'inward looking' with their front facades facing one another across open front gardens and a central footpath. The semi-detached houses are closely spaced with gaps of between 2.5m and 3.0m separating each dwelling from its neighbour to the side.



**Above: North-West (Front) Elevation**



**Above: View of Rear of Houses to North**

2.4 The front of the appeal property faces north-west and is set behind a 5.0m open garden. As is the case with all other houses on Manor Close, the "principal" front elevation of the appeal property can only be accessed via the central

footpath. The appeal property is separated from houses on the opposite side of the Close by a distance of approximately 15.0m.

2.5 The dwelling's rear garden is oriented to the south-east and has a depth of approximately 20m. Much of the garden is laid to lawn with north and south boundaries comprising 1.8m high close boarded timber fences. Within the south-east corner of the site is a brick built garage which is set some 6.0m back from the property's frontage onto Fairfield Road. The road boundary is defined by a 1.1m high brick and flint wall. Between the back of the garage and the rear elevation of the house is a 7.0m high bay tree.

2.6 Tree planting, together with numerous detached garages prevent direct views of the appeal site from Fairfield Road to the east. The photographs below demonstrate that views into the site are particularly well screened from the north-east and, from the east and south east views are obscured by road side garages.



**Above: View towards the Appeal Site from Fairfield Road to the North-East**



**Above: View of the Appeal Site from Fairfield Road to the East**



Above: View towards the Appeal Site from Fairfield Road to the South-East

### 3.0 The Appeal Proposal

3.1 The proposal would result in the demolition of the existing rear conservatory and the construction of a ground floor extension, together with a small first floor addition, which would be facilitated by the extension of an existing flat roofed dormer - to the south side of the appeal property.

3.2 The principle of constructing a ground floor, full width, rear extension was established under permission APP/13/00796 which was granted in October 2013. The permitted extension has a width of 6.9m, a depth of 5.0m and a central ridge height of 4.2m (pictured below).



3.3 Permission is now sought, via this appeal, for the construction of a ground floor, full width, rear extension; a 3.6m long by 1.6m wide hipped roof extension attached to which would be a flat roofed extension of an existing dormer. The existing dormer would be extended by 3.5m (pictured below).



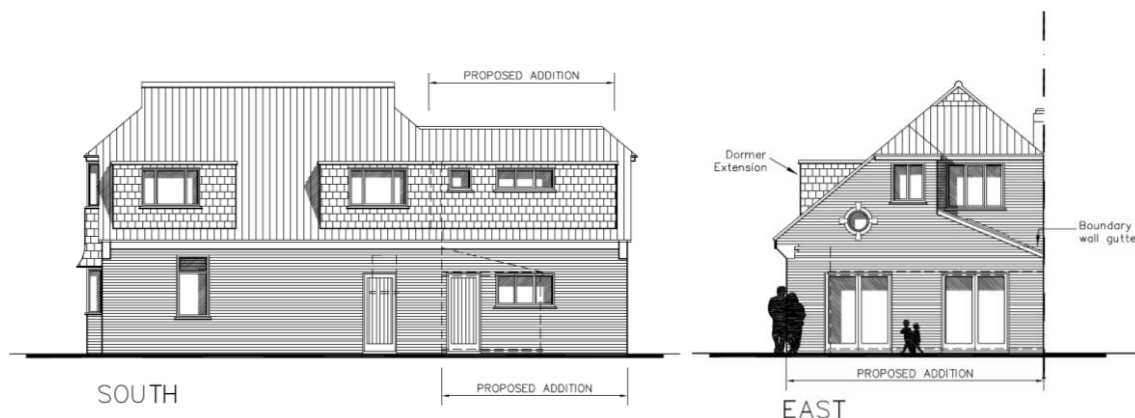
3.4 The extensions would be constructed with materials to match the existing house (i.e. clay tiles, facing brick and roof felt).

3.5 Internally, the development would provide a kitchen and snug room on the ground floor and a 4<sup>th</sup> bedroom at first floor level.

#### **4.0 Relevant Planning History**

4.1 Conservation Area Consent was refused on 30<sup>th</sup> July 2009 for the demolition of the flint wall which defines the sites east boundary (LPA Ref: 09/72404/002). It was considered by the LPA that the removal of the wall would result in a loss of both character of the Conservation Area and visual amenity of the streetscene.

4.2 Planning permission was granted on 10<sup>th</sup> October 2013 for “Single storey rear extension and replacement garage following demolition of existing conservatory, store and garage.” (LPA Ref: APP/13/00796). This application originally proposed ground and first floor extensions of to the dwelling. However, following receipt of the Council’s Conservation Officer the application was amended with the removal of the first floor elements. The Conservation Officer was of the view that the proposal would not “preserve or enhance” the Conservation Area. Images of the south and east elevations of the original and permitted proposals are provided below.



**Above: APP/13/00796 as Originally Submitted**



**Above: APP/13/00796 following Revisions and as Permitted**

4.3 It is also apparent that the LPA has previously granted planning permission for a very similar half width, two storey rear extension to the rear of No.22 Manor Close. This application, granted under LPA reference No. 99/64290/000, was described as a “Two storey and single storey rear extension.” This extension is

clearly visible in the aerial photograph below (outlined yellow – appeal property identified by red dotted line).



4.4 It is of note that in 1999 this form of development was considered to be acceptable within the St Faiths Conservation Area.

## 5.0 Planning Policy Considerations

### National Planning Policy

5.1 The National Planning Policy Framework (NPPF) was published by the Government on 27<sup>th</sup> March 2012. The NPPF cancels and replaces all earlier Planning Policy Guidance Notes and Statements.

5.2 Paragraph 13 of the Framework sets out the presumption in favour of sustainable development. The Government states that *'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....'* The document promotes planning principles which include making effective use of land, promoting mixed use developments that create more vibrant places, and encouraging multiple benefits from the use of land in urban and rural areas. Furthermore, the document requires Local Planning Authorities to approach development management decisions positively (i.e. to look for solutions rather than problems so that applications can be approved wherever it is practical to do so).

5.3 The NPPF states (at para.7) that there are *'... three dimensions to sustainable development: economic, social and environmental.'* The social dimension of sustainable development is described in the NPPF as *'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'*.

5.4 Amongst the Core Planning Principles described at paragraph 17 the NPPF states that planning should *'.....conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations...'*

5.5 With regards to design the NPPF states at par. 57 *‘...It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings...’* In respect of architectural design the statement comments (para. 60) that *‘...Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles...’*

5.6 Paragraph 61 refers to the connection between people and places. It states *‘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....’*

5.7 Paragraph 134 advises on the assessment of development that is considered to cause ‘less than substantial harm’ to a heritage asset. It is stated that *‘...Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use....’*

5.8 Paragraph 196 of the Framework confirms that the NPPF is a material consideration in planning decisions. Paragraph 197 states, furthermore, that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

### **Havant Borough Local Development Framework**

5.9 The Havant Borough Core Strategy was formerly adopted on 1<sup>st</sup> March 2011. It is the principal document in the council's Local Development Framework and sets out the spatial planning strategy for the area up to 2026.

5.10 Two policies were quoted in the decision notice: CS11 “Protecting and Enhancing the Special Environment and Heritage of Havant Borough” and CS16 “High Quality Design”

5.11 Policy CS11 seeks to protect and, where appropriate, enhance the borough’s statutory and non-statutory heritage designations by managing development appropriately in or adjacent to conservation areas, listed buildings. Policy CS16 relates to design. This is copied in full below: -

#### ***“Policy CS16 High Quality Design***

*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.*
2. *Produces a positive relationship between buildings, street and spaces both existing and proposed, where:*
    - a. *The layout of the development reduces opportunities for crime and antisocial behaviour; contributes to improving community safety; and makes provision for the management and maintenance of the development;*
    - b. *New streets are not dominated by vehicular traffic;*
    - c. *The layout of the development is legible, meaning it is easy to orientate oneself and move through.*
  3. *Contributes to the improvement of the public realm close to the development, particularly sites close to town, district and local centres and other priority regeneration areas by using high quality hard and soft landscape material and street furniture; and where development is of a significant scale or prominence makes provision for public art.*
  4. *Is inclusive by considering the needs of those with disabilities, ensuring safe and convenient access for all; and integrating affordable and supported housing with market housing through tenure blind design to minimise social exclusion and promote social integration.*
  5. *Maximises opportunities for mixed use developments, particularly in town and district centres; and encourage higher densities (50+ dwellings per hectare) where appropriate.*
  6. *Mitigates negative environmental impacts through sustainable design and construction methods, resource efficiencies, particularly water and the provision of facilities for waste recycling.*
  7. *Adapts to the changing needs of the users and the changing climate over the lifespan of the building."*

5.12 The LPA has stated in the reason for refusal that the proposed development "...runs counter to extant guidance set out in *The Practice Guide to PPS5*..." Unfortunately, the LPA has not referred to which particular part of the "PPS5 Planning for the Historic Environment: Historic Environment Planning Practice Guide" the proposal is considered to be contrary to. The relevant parts of the Practice Guide relating to "setting" comment as follows: -

- “113. Setting is the surroundings in which an asset is experienced. All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance, or may be neutral.*
- 114. The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration; by spatial associations; and, by our understanding of the historic relationship between places. For example, buildings that are in close proximity but not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each. They would be considered to be within one another’s setting.*
- 115. Setting will, therefore, generally be more extensive than curtilage and its perceived extent may change as an asset and its surroundings evolve or as understanding of the asset improves.*
- 116. The setting of a heritage asset can enhance its significance whether or not it was designed to do so. The formal parkland around a country house and the fortuitously developed multi-period townscape around a medieval church may both contribute to the significance.*
- 117. The contribution that setting makes to the significance does not depend on there being public rights or an ability to access or experience that setting. This will vary over time and according to circumstance. Nevertheless, proper evaluation of the effect of change within the setting of a heritage asset will usually need to consider the implications, if any, for public appreciation of its significance.”*

## **6.0 Planning Considerations**

6.1 Planning permission was refused by the LPA for a single reason. This reason states that the proposal to extend the existing semi-detached house with a ground floor rear extension and two, carefully thought out, modest first floor additions would: -

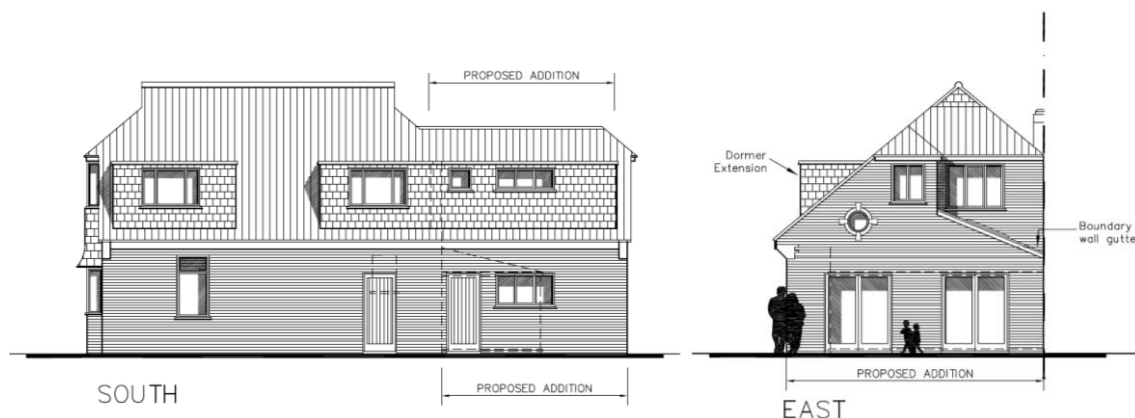
- By reason of its size, design and prominent location would have a detrimental effect on the character and appearance of the existing building and character of the general townscape, and would be a discordant element in the St Faiths Conservation Area.

6.2 The LPA allege, therefore, that the proposals are in a “prominent” location and would have a detrimental impact upon both the host dwelling and the St Faiths Conservation Area.

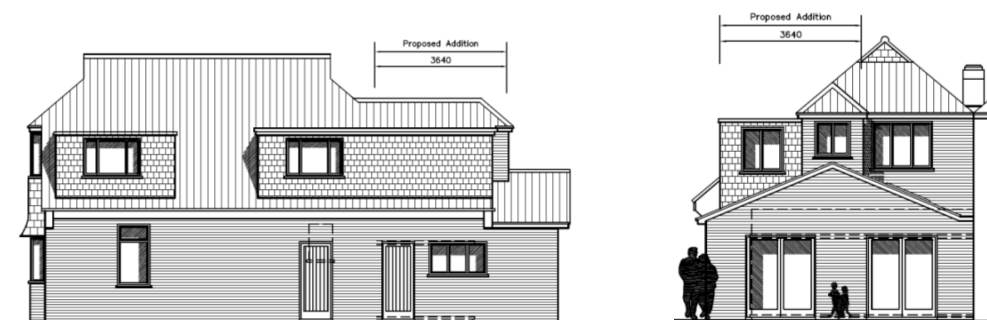
6.3 The appellants contend most strongly that their proposals to extend their property have responded positively to earlier concerns of the LPA; they have been reduced in size and scale and are now of a form and design that would not have a

detrimental impact upon the host dwelling itself, the general townscape or the surrounding Conservation Area.

6.4 The images below are extracts from the drawings submitted with both the original application submission and the proposal which is now the subject of this appeal. It is the appellants view that the original proposals have been modified significantly in order to ensure that the first floor additions appear as subservient elements within the roofscape of the original building.



**Above: APP/13/00796 as Originally Submitted**



**Above: Development Subject of this Appeal**

6.5 The LPA consider that the proposed additions are sited in a “prominent location”. Given the context of the reason for refusal it is assumed that the LPA mean that the first floor additions are visually prominent, within both the streetscape and the townscape. Furthermore, it is also understood that the LPA are of the opinion that the size and design, combined with the location of the additions within the roofscape, would together have an adverse impact upon the character and appearance of the surrounding conservation area.

6.6 The first floor elements of the appeal proposal would be located on the southern and eastern elevations of the existing building. The eastern most of the two existing dormer windows would be extended on its eastern side for approximately 3.5m. It is accepted that glimpses of this extension would be possible from Manor Close, however, it is contended that views from the Close would be limited, and mainly obscured, both by neighbouring houses as well as a Magnolia tree which is planted in front of the appeal dwelling. Similarly, given that the sites Fairfield Road frontage is defined by a significant number of garages and semi-mature trees (please refer to page 3 of this statement) it would also be extremely difficult to see the proposed dormer from the public realm to the east. The photographs below show the southern façade of the appeal building from

Manor Close (left) as well as a view of the site from the junction of Beechworth Road and Fairfield Road (right).



6.7 The proposed dormer extension would be constructed in conjunction with a 1.6m wide by 3.64m long, hipped roof, first floor addition which would project from the east elevation of the existing house (n.b. the hipped roof extension is very similar in design to the one granted to the rear of No.22 Manor Close in 1999). This part of the proposal has been specifically redesigned so as to reduce mass and bulk and also retain the lines and angles of the existing house. Both first floor elements, whilst combining to form one internal bedroom, would appear externally as two complementary parts of the building. This would be achieved, to a certain extent, by the use of contrasting yet complementary external materials (i.e. dormer would be tile hung; extension brick built). Additionally, the rear hipped roof addition has been designed so as to not to impinge upon the residential amenities of the occupiers of No.13, to the north.

6.8 The appellants do not agree with the Council's assertion that the site is visually prominent. The Inspector will note that, when walking along the west side of Fairfield Road, it is almost impossible to view anything within the appeal sites' boundaries due to the number of obstructions and landscape features immediately on the roadside boundary. It is only when a pedestrian crosses to the east side of the road, some 30m away, that it is possible to see the roof of the appeal property.

6.9 The next photo (over page) was taken from the middle of the road looking west towards the appeal site. The garage in the foreground of the site is to be replaced by a wider (3.6m to 4.6m) and taller (3.0m to 4.3m) structure (permitted under APP/13/00796). This structure, combined with the existing 7.0m high evergreen bay tree (which is immediately to the rear of the garage) would form a significant screen effectively blocking views of the dwellinghouse from Fairfield Road. It is argued, therefore, that what limited views there already are of the rear elevation of No.12 Manor Close, from Fairfield Road, would be obscured further by the new garage.

6.10 The term "prominent" is defined in the Collins English Gem Dictionary as "sticking out; conspicuous; distinguished." It is contended that the appeal proposal would, when viewed from adjacent public land, merge with, and form a constituent part of, the existing complicated roofscape within Manor Close. Furthermore, it is argued that both first floor elements of this proposal would be sited a significant distance from the adjacent public realm so as not to be readily noticeable. This is in stark contrast to the many prominent dormers that have been added at second floor level to several houses located on the west side of Manor Close. Therefore,

contrary to the opinion of the LPA, the appellants argue that neither the south facing dormer extension or the east facing rear hipped roof extension would be particularly “prominent” when viewed from either Manor Close or Fairfield Road.



6.11 It has been established, in the preceding paragraphs of this statement, that the appeal proposal would neither be in a “prominent location” nor be visually prominent within the streetscene. The Council’s reason for refusal also alleges that the proposal would have a *“detrimental effect on the character and appearance of the existing building and character of the general townscape, and would be a discordant element in the St Faiths Conservation Area.”* The appellants contend most strongly that this would not be the case. It is argued that the dormer extension has been designed so as to appear as a constituent part of the original host dwellinghouse. As can be seen from the extracts of the original and appeal elevations (page 9) the length of the dormer has been reduced significantly. Furthermore, the mass, bulk and length of the hipped roofed part of the proposal has also been significantly reduced. Whilst it might have been argued that the original scheme may have had a detrimental impact upon the character and appearance of the “townscape” and the conservation area it is contended that the appeal proposal represents a much improved design solution. The test to be applied, in this instance, should be whether the appeal proposal would “preserve or enhance the character and appearance of the conservation area”. The LPA are arguing that the proposal would detract from the character and appearance of the conservation area. By contrast, the appellants contend that the appeal proposal would preserve, and not detract from, the character and appearance of the conservation area. As such, it is argued that the appeal proposal would not result in “demonstrable harm” but would have a neutral impact upon the character and appearance of the conservation area. Given that the proposal is almost entirely screened from public view, and that it has been designed to complement the appearance of the host building, it is considered that it would preserve and maintain the current levels of amenity within the conservation area.

6.12 Given the foregoing it is considered that the appeal proposals are compliant with policies CS11 and CS16 of the Havant Borough Core Strategy as well as the relevant sections of the National Planning Policy Framework, 2012. The LPA has also stated that the proposals are also contrary to Historic

Environment Planning Practice Guide. Unfortunately, the LPA has not been specific, nor clearly explained, as to which part of this guidance the proposal is contrary to. With regards to “setting” the appellants are of the view that the proposals would have a neutral impact upon the St Faiths Conservation Area and, therefore, would not harm the historic environment that surrounds the appeal site.

## **7.0 Conclusions**

7.1 In conclusion, the appellants ask that the Inspector has due regard to all the material considerations. The appeal proposals are well screened from view from both Manor Crescent and Fairfield Road. Rather than being prominent and discordant features it is considered that the appeal proposals represent a carefully thought out design solution which reflects the character and appearance of the host building. Furthermore, it is not considered that the appeal proposals would result in the level of harm that is alleged by the LPA. By contrast the appellants are of the view that the proposals would have a neutral impact upon the townscape of the surrounding conservation area. In other words, the proposals would not stand out, but would be barely noticeable within the existing Manor Close and Fairfield Road streetscenes.

7.2 The appellants argue that the LPA has not carefully balanced all of the relevant issues and demonstrated that the proposed development would “cause demonstrable harm to interests of acknowledged importance.” As such, it is respectfully requested that the Planning Inspector views the proposal favourably and allows this appeal.