The Planning Inspectorate

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HAVANT BOROUGH COUNCIL
RECEIVED 2013

Miss Karen Wooden
Havant Borough Council
Business Development & Support Team
Civic Centre
Havant
Hampshire
PO9 2AX

Your Ref: APP/11/01818

Our Ref: APP/X1735/A/12/2183121/NWF

Date: 21 February 2013

Dear Miss Wooden

Town and Country Planning Act 1990
Appeal by Mr Brian Parker
Site at 386 Sea Front, Hayling Island, Hampshire , PO11 0BD

I enclose a copy of our Inspector's decision on the above appeal.

If you have queries or complaints about the decision or the way we handled the appeal, you should submit them using our "Feedback" webpage at www.planningportal.gov.uk/planning/appeals/planninginspectorate/feedback. This page also contains information on our complaints procedures and the right of challenge to the High Court, the only method by which the decision can be reconsidered.

If you do not have internet access, or would prefer hard copies of our information on the right to challenge and our complaints procedure, please contact our Quality Assurance Unit on 0117 372 8252 or in writing to the address above.

Please note the Planning Inspectorate is not the administering body for High Court challenges. If you would like more information on the strictly enforced deadlines for challenging, or a copy of the forms for lodging a challenge, please contact the Administrative Court on 020 7947 6655.

Yours sincerely

Amanda Baker

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INVESTOR IN PEOPLE
POSITIVE ABOUT DISABLED PEOPLE

The Planning Inspectorate

Appeal Decision

Site visit made on 4 February 2013

by Michael Evans BA MA MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 February 2013

Appeal Ref: APP/X1735/A/12/2183121
386 Sea Front, Hayling Island PO11 0BD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Brian Parker against the decision of Havant Borough Council.
- The application Ref APP/11/01818 was refused by notice dated 8 March 2012.
- The development proposed is a roof extension to form an additional penthouse apartment.

Decision

1. The appeal is allowed and planning permission is granted for a roof extension to form an additional penthouse apartment at 386 Sea Front, Hayling Island PO11 0BD, in accordance with the terms of the application, Ref APP/11/01818, subject to the conditions attached to the schedule at the end of this decision.

Preliminary Matters

2. Revised plans were submitted with the appeal which would set the balconies further back from each side of the extension. The Appellant indicates that the appeal should only be decided using these drawings if the original proposal is considered unacceptable in relation to overlooking. However, it is not open to the Appellant at this stage of the process to put forward an amended proposal on such terms. Consequently, this appeal will be considered using the plans that were the subject of the Council's decision.

3. The Appellant has submitted a unilateral undertaking (UU) making provision for the payment of a transport contribution.

Main Issues

4. The main issues in the consideration of this appeal are:

   - The effect of the proposed extension on the character and appearance of the area.

   - The effect on the living conditions of the occupiers of the adjacent dwellings, in respect of privacy, light and whether there would be an overbearing effect.

   - The implications of the proposal for the provision of transport infrastructure.

Reasons

Character and appearance

5. Properties along Sea Front facing towards the adjacent open space are predominantly two and three storey in height, as pointed out by the Inspector who allowed the appeal in 2005 regarding the existing three storey building at no. 386. However, this does not mean that the resultant four storey building would necessarily be detrimental and the potential impact must be assessed in relation to the specific characteristics of the adjacent properties.

6. The height of the building that was removed to accommodate the current structure at the appeal site has no bearing on this issue as it does not form part of the existing streetscene. In addition the view has been expressed that the new building has had an adverse impact. However, this was found to be acceptable and it is not for me to re-consider its merits.

7. The property to the other side of Token House, which is itself immediately to the west of the appeal site, comprises two four storey blocks with pitched roofs. They also have a central link and except when looking directly at the front tend to appear as a single large block in views from the south. The top of the fairly shallow pitched roofs would be at a higher level than the extended building, even allowing for the central circulation tower which would be fairly modest in scale. The width of each of the two blocks at the front is broadly comparable to that of the building at the appeal site, which would not change.

8. Although the development at St Catherines Court is relatively large compared to other properties in the vicinity, Token House is wider at the front than each of the individual blocks and is, in itself, a relatively substantial building. Despite the reasonably generous gap to Token House, St Catherines Court is a prominent feature of the streetscene that would be clearly seen in conjunction with the extended building in views from the south.

9. Furthermore, the gaps to the buildings to either side of 386 Sea Front, at the upper floor levels in particular, would also reflect a fairly spacious setting. These gaps, taken together, would not be significantly less generous than those relating to St Catherines Court. Consequently, the presence and impact of the latter in relation to the current proposal should not be discounted.

10. Token House would be wider than the extended building at the front and its top only fairly modestly lower than the main part of the roof addition. The building to the other side, at no. 384, is narrower and only has two storeys but the pitched roof above reduces the overall difference in height. In consequence, this relationship would not appear discordant, especially bearing in mind the relatively generous gap to the apartment block at 386.

11. As a result, the enlarged property would not appear unacceptably dominant, while sitting comfortably between the immediately adjacent buildings. Furthermore, the relationship with no. 384 would reflect that between St Catherines Court and the noticeably more modest building at no. 392.

12. It is these adjacent buildings that would provide the context within which the enlarged building would most readily be seen. The set backs of the addition at the front and rear would also limit the perceived bulk and mass. For all the above reasons, it would not therefore appear visually obtrusive due to factors such as height, size, mass or bulk.

13. The addition would also reflect the attractive clean lines and contemporary design of the existing building. The space to the sides and front of the building would not change and there would be no significant effect on the openness of the edge of the settlement. As a result the enlarged building would also respect factors such as the spacing and varied design found in Sea Front.

14. The appeal that was decided in 1996 concerned a larger site, incorporating both 384 and 386 Sea Front and the development would have comprised 24 flats in two linked blocks occupying much of the width of the overall plot. This proposal is not therefore comparable to the current scheme in terms of its overall scale and the previous decision is not a significant factor weighing against this appeal.

15. In these circumstances the character and appearance of the area would not be harmed. The proposal would comply with Havant Borough Core Strategy, March 2011, Policy CS16, which among other things, seeks to ensure that development responds to, draws inspiration from and respects the local context. It also intends that design should be informed by the characteristics of the locality in respect of matters such as heights and massing.

16. It is indicated in the *Havant Borough Council, Borough Design Guide, Supplementary Planning Document, December 2011* (SPD) that new development should not generally be more than one storey higher where it directly adjoins or is close to existing residential development.

17. However, for the reasons given above, although it would be two storeys higher than no. 384, the resultant juxtaposition of buildings would be appropriate in the streetscene. This generalised advice is not therefore applicable in this instance. The proposal would satisfy the aim of the SPD that the layout and design of a proposal should be informed by a sound understanding of the form and fabric of development in the local area.

18. By taking account of the character of the area and securing a high quality design the proposal accords with these core principles of the National Planning Policy Framework (The Framework).

Living conditions

19. The extension would have a balcony along the rear elevation wrapping around the rearmost part of the sides with a screen that would be about a metre high. There are only high level windows in the flank wall of Token House adjacent to no. 386, significantly limiting views in and out of the associated rooms. Because of the particularly oblique angle there would be no significant views into the sea facing glazed openings in the rear of Token House.

20. The balcony and the associated glazed opening to the side would, however, enable overlooking of the balconies at the rear of Token House. These are open to view from the highway and have clear glazed screens so that privacy is already compromised to some extent. Nevertheless, because of the relatively lengthy area and proximity it is necessary to impose a condition requiring the erection of a screen to ensure an appropriate standard of privacy, with the precise details to be approved by the Council. The Council would therefore be able to ensure an acceptable appearance. The screen would also be a fairly slender feature so that the mass of the building need not be detrimentally affected.

21. There are several openings in the side elevation of 384 Sea Front facing the appeal site but a number of these are either obscure glazed or high level so that any potential overlooking would be significantly limited. In any case, the penthouse apartment would be at an appreciably higher level. In consequence, any overlooking would be at a relatively oblique angle, as well as being reasonably distant given the significant gap between the addition and the main side wall of no. 384.

22. Any views towards the neighbouring rear garden from the balcony or the glazed opening immediately behind would be significantly limited due to the position of the adjacent building and angle of view, as well as being reasonably distant. The front garden is an area where a lower standard of amenity is generally to be expected and there are views of this relatively large space from the balcony below anyway.

23. The two bedroom windows in each side of the new apartment towards the northern end would be high level or are shown on the drawings to have obscured glass. These factors would significantly limit views both into and out of these openings. In order to protect privacy and for the avoidance of doubt a condition is needed to ensure that the obscured glazing is installed and retained, with the details to be approved by the Council.

24. The main outlook from within 384 and the adjacent flats in Token House is to the front and rear, which would not be significantly affected by the proposal. From the external areas of the adjacent properties the most extensive and important outlooks would be in directions other than back towards the adjacent building. Consequently, there would be no undue sense of enclosure that would be overbearing as a result of the additional height and bulk. Given the open south facing aspect at the front of Token House and no. 384 there would be no significant reduction in sunlight. The relationships between the adjacent buildings would also prevent any significant loss of daylight.

25. There are three dwellings to the rear of the appeal site at 384a b and c. These properties have windows that face towards the south and from which the enlarged building would be seen. However, the fact that the building would merely be visible is not, in itself, evidence of an unacceptably oppressive sense of enclosure.

26. The houses at 384 a and b face directly towards the rear of 384 and the shared access drive. Because of this and the distances involved their occupiers would not experience any adverse effects. It was clear at the site visit that the relationship would also be sufficiently distant that the enlarged building would not be of such a height and bulk as to appear overbearing from 384c either. This would be the case even when standing in the space to the front of these three properties. In any event, this is an unenclosed area used to a large extent for car parking and manoeuvring where a lower standard of amenity might reasonably be expected compared to more private areas.

27. Information submitted by the Appellant regarding daylight and sunlight have been considered, as well as the comments by local residents in relation to matters such as the sun path analysis. Nevertheless, it seems to me that given the degree of physical separation, any loss of sunlight or daylight resulting from the extension, in relation to the south facing windows at 384c, would be particularly modest. The distance between the buildings would also prevent any undue reduction in privacy as a result of overlooking. These

conclusions would apply irrespective of the presence of the intervening vegetation.

28. Properties in addition to those mentioned above would be sufficiently far from the appeal site that their occupiers would experience no detrimental impact.

29. As a consequence of the above factors, it is concluded that the living conditions of the occupiers of the adjacent dwellings would not be harmed by reason of loss of privacy, reduction in light levels or an overbearing effect. The proposal would therefore accord with the aim of Core Strategy Policy CS16 to prevent such adverse effects. The proposal would secure a good standard of amenity for existing occupants in compliance with this core principle of the Framework.

Transport infrastructure

30. Core Strategy Policy CS21 seeks to ensure that infrastructure requirements are met and that where the necessary financial contributions are not made planning permission is refused. Policy DM12 intends that adequate provision is made for integrated and improved transport infrastructure or appropriate mitigation measures through direct improvements and contributions in accordance with the Hampshire County Council Transport Contributions Policy. The latter is contained in a document dated September 2007 and these policies provide a sound basis for the contribution.

31. The occupiers of the new apartment would clearly place additional demands on transport infrastructure in the locality. Having regard to the above it is concluded that the payment set out in the UU would be directly related to the proposed development, fairly and reasonably related in scale and kind, while also being necessary to make the development acceptable. As a result the tests set out in Regulation 122 of the Community Infrastructure Levy Regulations are satisfied and there would be no detrimental effect in relation to transport infrastructure.

Other considerations

32. In the Council's report on the application it is pointed out that the highways consultee has raised no objections. It is also indicated that the proposal would comply with the Council's parking standards. In these circumstances the concerns of local residents regarding highway safety and on-street parking would not justify rejection of the proposal.

33. No undue precedent for additional development would be set as each proposal must be considered on its own merits and in relation to its own specific circumstances.

Conclusion

34. Because of the absence of harm that would arise and taking account of all other matters raised, the appeal succeeds. In reaching this decision the views of local residents and other interested parties have been taken into account.

Conditions

35. In addition to those mentioned above conditions are necessary in relation to the following matters. Otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans for the avoidance of doubt and in the

interests of proper planning. In order to protect the appearance of the building and locality details of the facing materials of the extension should be controlled. In the interest of highway safety the approved parking layout should be provided before the new apartment is occupied. In order to prevent undue disturbance the times when construction can take place should be restricted.

M Evans

INSPECTOR

Schedule of Conditions

1) The development hereby permitted shall begin before the expiration of three years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: 371/01 B, 371/02 B, 371/03 B, 371/06 B, 371/ 07 B, 371/GA-SP01, PA11-108:01 E, PA11-108:02, PA11-108:03 C, PA11-108:04 E, PA11-108:06 A, PA11-108:08 B, PA11-108:09 B, PA11-108:10.

3) No development shall take place until details of the materials to be used in the construction of the external surfaces of the extension have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

4) Prior to the occupation of the apartment the bedroom windows in the side elevations of the extension annotated on the approved plans as WT01 and WT06 shall be glazed with obscured glass in accordance with details to be submitted to and approved in writing by the local planning authority and thereafter retained as such.

5) No development shall take place until details of a privacy screen to be erected to the side of the balcony facing towards Token House have been submitted to and approved in writing by the local planning authority. The screen shall be erected prior to the occupation of the apartment and thereafter retained as such.

6) The apartment shall not be occupied until space has been laid out within the site for cars to be parked and manoeuvred in accordance with the approved plans and such space shall not thereafter be used for any purpose other than primarily for the parking and manoeuvring of vehicles.

7) Construction works shall only take place between the hours of 08:00 and 18:00 on Mondays – Saturdays and not at all on Sundays and all recognised public holidays.