

PLANNING INSPECTORATE
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

17.08.2021

Dear Sir / Madam,

WRITTEN REPRESENTATION HOUSEHOLDER APPEAL 55 HILLMEAD GARDENS | HAVANT | HAMPSHIRE | PO9 3NN

These grounds of appeal are provided on behalf of the appellant as owner of the above property and in support of the current written representation householder appeal under s.78 of the Town and Country Planning Act 1990 (as amended) against the decision of Havant Borough Council dated 27.05.2021 to refuse to grant planning permission for:

Creation of carport and first floor side extension, dormer to rear elevation, extension to existing roof including 3no. rooflights to front elevation

The LPA advanced the below reason for refusing to grant planning permission:

- 1. The design and appearance of the proposal is deemed inappropriate in context to the main building and is therefore considered to be unacceptable, contrary to the requirements of Policy CS16 of the HBLP (Core strategy). It is considered that the scheme would result in an adverse impact on the visual amenity of the locality. In accordance with guidance in the NPPF 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.*

CONTEXT

The site is within the administrative boundary of Havant Borough Council and forms part of the defined urban area.

T: +44 7368 930964 | E: adam@alg-planning.co.uk | www.alg-planning.co.uk

24 Heatherfield, Buriton, Hampshire, GU31 5RY

The site is located to the west of Hillmead Gardens and is located midway down this infill development at the end of Scratchface Lane.

The property is a semi-detached two storey building with elevations finished in brick and a gabled, tiled roof.

To the rear of the property adjacent to the southern common boundary, the property is served by a detached single bay outbuilding with gabled roof.

PROPOSAL

The appeal proposal seeks the following operational development: erection of a first-floor extension to the side south elevation with undercroft access to the rear; and construction of dormer window within the rear western roof slope and insertion of roof lights (x 3) in the front (east) roof slope.

The dormer window would facilitate the conversion of the existing roof space to habitable floor area, with the roof volume within the first floor extension providing access up into the roof and also space for part of the proposed en-suite bathroom.

DEVELOPMENT PLAN

The Development Plan for Havant consists of the Havant Borough Local Plan (Core Strategy) 2011 and the Havant Borough Local Plan (Allocations) 2014.

In terms of emerging policy, the Havant Borough Pre Submission Local Plan 2036 and Emsworth Neighbourhood Plan Post Examination Version 2020 (ENP) are relevant.

The new Local Plan is at the Regulation 19 stage and although the consultation on the proposed changes is currently taking place, given the level of unresolvable objections is unknown at this stage only limited weight can reasonably be attributed to relevant policies.

The ENP is at the Regulation 18 stage. Due to COVID 19 the Council are unable to run any NP referendums until May 2021. Whilst ENP is therefore still some way off being made, given its stage of preparation and the lack of unresolved objection it still carries substantial weight as part of the decision-making process.

In terms of relevant policies of the current development plan, Policy CS16 of the Core Strategy is the most salient, stating that all development should demonstrate that its design:

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 whenever possible to create variety and interest;*
- c) Uses the characterises 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 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.*

In terms of other relevant guidance, the Council's Design Guide SPD is referenced in the officer report and supports the implementation of CS16.

The revised National Planning Policy Framework (2021)(Framework) is also a material planning considerations, with the following paragraphs considered relevant in the assessment of the current appeal.

Paragraph 126 makes clear, that the creation of high quality buildings and places is *fundamental to what planning and development process should achieve*, with good design a *key aspect of sustainable development*.

Paragraph 130 sets out, that planning policies and decisions should ensure that developments:

- a) 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;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks*

GROUND OF APPEAL

It is confirmed that since the submission of this appeal the Council have issued a Certificate of Lawfulness of Proposed Use or Development (CLOPUD) for a dormer window to the rear roof space of the same scale as proposed as part of the current appeal. The only different between the schemes being that the dormer proposed as part of the current appeal would extend out over the proposed first floor addition.

The sole consideration as part of the current appeal is the development's impact on the character & appearance of the area.

Whilst for completeness grounds of appeal would normally consider all other material considerations on the basis that the Inspector would look at the totality of the proposed development, on the basis that the previous Inspector confirmed no harm to the amenity of neighbouring occupiers and the current appeal is the same, save the first floor addition is set 800mm further away from the neighbouring property than the previous scheme, there is considered to be no need to consider the impact of the development on this ground.

CHARACTER & APPEARANCE

On the basis that the previous appeal proposal would bring development at first floor level closer to the neighbouring property and thus reduce space between the two dwellings and therefore, in the Inspectors view, significantly reduce *"the gap that would remain appreciable between the buildings"*, the appeal was dismissed on this ground.

Notwithstanding that the previous scheme was set away from the common boundary at both first and ground floor level, in seeking to optimise the potential of the site to accommodate development and overcome the current objection to development, the appeal proposal increases this separation at first floor level by 800mm.

This is a meaningful increase in separation and one that this grounds of appeal contends is sufficient to maintain an appreciable gap between buildings and overcome the previous Inspector's objection to the development.

Despite the previous Inspector acknowledging the close proximity of some properties to side boundaries further along the street, it was concluded that the appearance of these were distinct from the grouping of semi detached units within which the appeal property sits.

Whilst the Inspector's decision is respected, this conclusion cannot be shared for the following reason. Opposite the application site (between no.12 and no.13) and to the south (between no.52 and no.53), as shown in the street scene photographs provided in Figure 1 and 2, below the spacing of two storey development from the common boundary and therefore gap between properties is largely the same as proposed as part of the current appeal.



Figure 1 – street scene photograph show spacing between no.12 and 13 (source: ©Google 2021)



Figure 2 – street scene photograph showing spacing between no.52 and 53 (source: ©Google 2021)

As part of the officer report reference is again made to the Council's Design SPD: *the width of the plot and the width of the proposed building should be similar to that prevailing in the local area, looking to the immediate neighbours first.*

This section of the SPD is concerned with new dwellings and not enlargements to existing. Notwithstanding therefore that it does not apply, when applied as a benchmark the width of the property would be directly comparable to that of the prevailing local area.

The Council's SPD provides no guidance regarding two storey side extensions and separation distances to the boundary. It is therefore a matter of fact and degree in each case.

Even if the neighbouring property sought to replicate the development that forms part of the current appeal, a 1.6m gap would be provided between flank walls. As such, the sense of space at first floor level between dwellings and the "*discernible rhythm of buildings*" that the Inspector identified as part of the previous appeal, would be maintained.

The appeal proposal, like the previous appeal, would be subservient to the host dwelling, with a lower overall ridge height and recessed front elevation. Furthermore, the eaves line would be maintained and aperture size consistent with the existing first floor.

The dormer window to the rear would not be visible from public vantage points, with only the proposed roof lights an indication that the roof space of the property was converted. It is also noted that the previous Inspector raised no objection to this element of the scheme.

CONCLUSION

The appeal proposal would maintain an appreciable gap to the common boundary (at first floor level) and between buildings and thus would ensure that the discernible rhythm of buildings is preserved as part of the development.

Notwithstanding this and the previous Inspector's conclusion, there are also immediate examples of gaps between properties that would be commensurate with that proposed part of the appeal proposal.

It therefore cannot be shared that the appeal proposal would materially harm the character and appearance of the surrounding the area. As such, it is contended, the appeal proposal would accord with Policy CS16 and the Framework on this ground.

The appointed Inspector is therefore respectfully requested to consider the points in support of the proposal and allow the appeal.

With kind regards,

ADAM GRIFFITHS BA (Hons) MA MRTPI
DIRECTOR

ALG PLANNING + DEVELOPMENT

