

The Executive Planning Service Manager
Havant Borough Council
Public Service Plaza
Civic Centre Road
Havant
Hampshire PO9 2AX

Your ref: APP/16/00495

1st July 2016

Attention: Rachael McMurray

Dear Sir,

**No.45a Portsdown Hill Road, Havant PO9 3JU.
Demolition of existing house and construction of 1no. two-storey
and lower ground level 4 bed detached dwelling and attached garage.**

1. We have been instructed by the residents of two households in Portsdown Hill Road – Mr and Mrs Knight of No.45 together with Mr and Mrs Lovett-Turner of No.47 - to thank you for notifying them of your Council's receipt of planning application APP/16/00495 and to inform you that they **RAISE OBJECTION** to this proposal, for the reasons set out below.

2. No.45 Portsdown Hill Road is a detached three-storey house that stands close to its common boundary with No.45a on its western side; it is finished in cream render at ground-floor with red-brown brick above, with a crowned roof of brown concrete interlocking tiles and a second-floor bedroom window that faces west to the application site. No.45a is a detached three-bedroomed bungalow of turquoise render with a combination hipped/gabled roof of red peg-tiles. No.47 is a detached two-storey house that stands diagonally on its plot and is finished in white-painted rendered brickwork with a flat roof – built in 1936 to a design by Wells Coates and David Pleydell-Bouverie in the innovative 'Sunspan' style, it was listed (Grade II) in 1994 as having special architectural and historic interest. As its name suggests, the 'Sunspan' concept was formulated to take full advantage of exposure to direct sunlight from sunrise to sunset and the curved lounge window at first-floor level (which consequently affords a long outlook east to Chichester) is a special amenity of the house. The existing bungalow at 45a Portsdown Hill Road sits low on its site and the combination of hipped side-elements and boundary vegetation ensures that it does not intrude upon the setting or outlook of its listed neighbour.

3. Planning application APP/15/00598 for the '*Demolition of existing house and construction of 1no. two-storey 4 bed detached dwelling and attached garage*' was rejected by your Council in August last year for four reasons, which may be summarised as:- (1) its design, scale, mass and proximity to side boundaries would have a significant detrimental impact on neighbouring properties (contrary to Local Plan Policies CS16 and CS11 and the NPPF); (2) an assessment had not been undertaken of the impact of the proposal on the setting of the adjacent listed building (contrary to Core Policy CS11, Policy DM20 of the Allocations Plan and the NPPF); (3) the design, scale, mass and proximity of the proposal would have a significant detrimental impact on no.47 Portsdown Hill Road, which is a listed building, contrary to Core Strategy Policy CS11, the NPPF and Planning Practice Guidance; and (4) arrangements had not been put in place to secure contributions towards the Solent Disturbance Mitigation Project. Our enquiries indicate that Reasons for Refusal (2) and (3) were cited at the specific request of your Conservation Consultant John Townsend.

4. Your Council's 'Local Information Requirements' do not require the submission of a Design and Access Statement for a 'single dwelling' proposal but such a submission would have helped interested parties to appreciate how their properties had been evaluated and analysed, how the design principles had been devised and why this particular scheme came to be promoted. While a Design and Access Statement was not required, a Heritage Statement should have been presented, to demonstrate how this three-storey house should be seen to respect the setting of the listed building that is No.47. Section 188 of the National Planning Policy Framework commends 'Pre-application engagement and front loading' but Section 5 of the submitted 1APP form confirms that no assistance or prior advice was sought from the local authority about the proposal, prior to submission. It is apparent that this proposal has been formulated despite the prospective availability of assistance and the opportunity to explain/justify it.

5. We have noted that all of the submitted drawings are dated April 2015 – it is apparent that they have not been given close attention since APP/15/00598 was rejected ten months ago. The previous drawing E001 re 'Existing Location and Block Plans' showed that the rear elevation of the existing bungalow at 45a Portsdown Hill Road stands back from that of its neighbour at No.45 and is broadly coincident with the eastern corner of No.47. Drawing P001 now shows only the 'Proposed Location and Block Plans', rendering it difficult to compare 'before' and 'after' arrangements. Drawing P001 presents the clear intention, however, for the new three-storey house to project significantly southwards *beyond* the rear elevation of No.45 and the east corner of No.47; both sets of neighbours are concerned that a three-storey house in this position would be overbearing and detrimental to their outlook. Drawing P009 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 vital counts – the outlook is projected out at 90 degrees to the window pane instead of 45 degrees; the projection is taken from a bedroom, which is a room that is used mainly at night and/or with curtains closed; and the principal outlook from the Sunspan house at No.47 is actually from its first-floor lounge, not its bedrooms. Were the 45 degree test to be applied to the first-floor lounge, the outlook projection would pass through the proposed house, approximately 4.8 metres back from its rear elevation. To satisfy the test, the new house would need to be set back that distance to the north or reduced by a similar depth. Notations on drawing P005 indicate that the proposed house would stand 2.2 metres away from its western boundary and 1.92 metres from its eastern boundary. It is submitted that cosmetic changes to the proposal do not overcome Reasons 1 or 3 for the rejection of APP/15/00598.

6. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires an application to be determined in accordance with the relevant policies of the development plan unless material considerations indicate otherwise. The statutory development plan for Havant presently comprises the Havant Borough Local Plan (Core Strategy) 2011 and the Havant Borough Local Plan (Allocations) 2014. Provisions of the Borough Design Guide and the National Planning Policy Framework also bear on the consideration of this proposal.

7. Core Policy CS11 sets down eleven requirements for '*Protecting and Enhancing the Special Environment and Heritage of Havant Borough*'; as the proposed house would stand beside a listed building, criterion 4 is relevant – it calls for the protection (and where appropriate enhancement) of the borough's statutory and non-statutory heritage designations. The Twentieth Century Society recorded its concern in July 2015 '*...at the nature, scale and form of this application which in our view will cause substantial harm to the setting of the dwelling on the adjacent plot No.47 Sunspan*'. In our submission, re-siting the proposed house just one more metre from the site's western boundary is insufficient to overcome the 'substantial harm' that was previously identified. It is submitted that the special circumstances of the Sunspan house at No.47 Portsdown Hill Road have *not* been respected or protected and this proposal, too, *fails* criterion 4 of Policy CS11.

8. Paragraph 7.42 of the Core Strategy records recognition that *'...development sites often have their own distinguishing features or character to take into account...It is also important that new development sits well with its neighbours and does not have an adverse effect on their existing uses and amenity'*. It is submitted that the amenity of neighbours has not been adequately taken into account in this case and the proposed house would have an adverse effect by its overbearing impact close to site boundaries and the resultant loss of sunlight, daylight and outlook.

9. Core Strategy Policy CS16 re 'High Quality Design' sets down seven requirements for the delivery of *'...development that is designed to a high standard which helps to create places where people want to live work and relax'*. It is submitted that criteria 1(b) and (e) are relevant to this proposal. While criterion (b) calls for the promotion of wildlife and biodiversity, section 13 of the submitted 1APP form records a 'No' response to all three questions relating to 'Biodiversity and Geological Conservation' and no evidence has been presented to confirm that demolition of the bungalow would not lead to the loss of habitat for endangered species eg bats; in the absence of evidence to the contrary, this proposal fails test 1(b) of CS16. Criterion 1(e) requires that *'The development does not cause unacceptable harm to the amenity of neighbours through...loss of privacy, outlook, noise and overlooking'*; it is submitted that this proposal also fails test 1(e) of Policy CS16.

10. On the subject of 'Daylight', paragraphs 5.07 and 5.08 of the Borough Design Guide SPD record recognition that *'For houses and flats, the impact of adjoining structures on the level of daylight available is particularly important in living rooms, dining rooms and kitchens...Daylight in bedrooms may also be considered but it is generally considered less important except where this is the main private residential accommodation such as in residential homes...Detailed proposals should also take account of local circumstances like level difference between properties and orientation...New developments should not result in the loss of light to existing buildings.'* This proposal would result in the loss of light to our clients' homes, so it fails to satisfy your Council's 'daylight' requirements.

11. On the subject of 'Sunlight', paragraph 5.10 of the Borough Design Guide warns that *'...the extensive obstruction of sunlight to an existing property or its garden by the construction of a new building or extension is likely to be unacceptable...Therefore applicants should consider the effects of loss of sunlight to existing properties and should aim to mitigate these effects wherever possible...This is particularly important where neighbouring properties are taking advantage of the sun's orientation for solar gain.'* It is submitted that the three-storey height of the proposed house and the projection of its rear elevation beyond that of No.45 and the curved lounge of No.47 Portsdown Hill Road would combine to result in an excessive loss of sunlight for both neighbours, in contravention of the intentions of the Design Guide.

12. Paragraph 133 of the National Planning Policy Framework states that *'Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss'* and four circumstances follow, none of which are relevant to this case. Section 18a.013 of Planning Practice Guidance states that *'Setting is the surroundings in which an asset is experienced and may therefore be more extensive than its curtilage'*. The applicant has failed to demonstrate how a substantial public benefit would accrue from this private proposal and, as the new house would result in substantial harm to the setting of the designated heritage asset that is a Sunspan house, permission should again be withheld.

13. 'The Setting of Heritage Assets' was re-published by Historic England in July 2015 and the section headed 'Views and Setting' is germane to the consideration of this proposal – *'Views which contribute more to understanding the significance of a heritage asset include...those where the composition within the view was a fundamental aspect of the design or function of the heritage asset and those between heritage assets and natural or topographic features or phenomena such as solar and lunar events'*. Solar events were a primary influence on the design and orientation of the Sunspan house, the setting of which would be materially harmed by the erection of the proposed house.

14. **SUBMISSION.**

(i) The existing bungalow at 45a Portsdown Hill Road stands back from the rear elevation of No.45 and respects the special outlook of the Sunspan house at No.47; this proposal does **not** respect the special outlook of the listed Sunspan house.

(ii) The bulk of the proposed three-storey house, its proximity to side boundaries and the southward penetration of its rear elevation would detract from the amenities of both neighbours, particularly in respect of sunlight, daylight and outlook.

(iii) A Heritage Statement has not been presented to demonstrate how the setting of the Grade II listed building has been respected and no attempt has been made to show how a public benefit might accrue from the proposal, to offset the harm that would be caused to the setting of the heritage asset.

For these reasons, our clients contend that the cosmetic changes to the proposal are not sufficient to overcome the substantive Reasons for Refusal cited for the rejection of application APP/15/00598; this proposal too fails to satisfy the requirements of the development plan and, as no other material considerations suggest otherwise, planning permission should be **REFUSED**.

15. Should, notwithstanding these objections, you are minded to support this proposal, we would be grateful if you would kindly arrange for the application to be presented to the Development Management Committee for decision, in order that our clients' concerns may be pursued through a deputation. Thank you.

Yours faithfully



Robert Tutton
Director