

## **HAVANT BOROUGH COUNCIL**

At a meeting of the Development Management Committee held on 9 November 2017

Present

Councillor Perry (Chairman)

Councillors Buckley, Hughes, Keast, Perry, Lloyd and Guest (Standing Deputy)

Other Councillors Present: Wilson

### **68 Apologies for Absence**

Apologies for absence were received from Cllrs Patrick and Satchwell.

### **69 Minutes**

RESOLVED that the Minutes of the last meeting held on the 19 October 2017 were approved as a correct record and signed by the Chairman

### **70 Site Viewing Working Party Minutes**

The Minutes of the Site Viewing Working Party held on the 2<sup>nd</sup> November 2017 were received

### **71 Declarations of Interest**

There were no declarations of interest relating to matters on the agenda from members present.

### **72 Chairman's Report**

The Chairman advised there were two upcoming Development Consultation Forums on the 14<sup>th</sup> and 21<sup>st</sup> November. All members were encouraged to attend.

### **73 Matters to be Considered for Site Viewing and Deferment**

There were none.

### **74 Deputations**

The following deputation requests were noted by the committee:

(1) Mr Jonathan Russell & Mrs Cecily Hughes – APP/17/00928 & APP/17/00929 – 16 Langstone Highstreet, Havant, PO9 1RY

(2) Cllr M Wilson – APP/17/00928 & APP/17/00929 – 16 Langstone Highstreet, Havant, PO9 1RY

**75 APP/17/00928 & APP/17/00929 - 16 Langstone High Street, Havant, PO9 1RY**

The Committee considered both written reports and recommendations from the Head of Planning Services to Grant Permission and Grant Listed Building Consent.

The Committee was addressed by the following deputees

(1) Mr Johnathan Russell and Mrs Cecily Hughes who objected to the proposals for the following reasons:

- a. The site had significant social, historical and cultural significance for the Havant Borough and any developments should be sympathetic to this
- b. The proposals were contrary to the Havant Borough 2011 Design Guide as they were not complimentary to the existing dwellings
- c. The proposals would have significant detrimental impact on the existing character of the area by way of its bulk and dominance on the street scene
- d. Havant Borough Council had an obligation to protect the area as a conservation area
- e. The proposal was unsympathetic to existing rooflines and locality
- f. The increase in the original footprint of the property would be above 50% which was unacceptable in planning terms.

In response to questions raised by the committee, the deputees advised that:

- The east elevation of number 15 Langstone High Street was a single skin wall which suffered from dampness.
- The proposal would make maintenance of the wall very difficult and would negate any airflow.

(2) Cllr M Wilson, who objected to the proposals for the following reasons:

As set out in Appendix A

The Chairman invited members of the Committee to ask questions of the officers regarding the report and deputations. Due to the nature of the questions asked, Ms. M Rogers was invited to answer questions from Committee members. It was advised that:

- The gable end of the wall of number 15 Langstone High Street adjacent to number 16 was single skinned.
- There was a bedroom adjacent to the location of the proposed roof terrace.
- There was a significant chance that construction of the proposal would result in a high flood risk to the ground floor of number 15 Langstone High Street.

In response to further questions raised by the Committee, Officers advised that:

- There were no restrictions in principle to a proposal to build up to the boundary of the site.
- Amenity of the adjacent wall and access to the wall for maintenance was not a material planning consideration. This was covered by different legislation, under the Neighbouring Land Act 1992.

The Committee discussed the applications in detail together with the views raised by the deputees.

Committee members agreed that whilst the design considerations associated with the applications were both of a subjective nature, there were significant implications for both the locality and character of the area. Members agreed that the proposal was inappropriate due to its size, bulk and dominance on the street scene. It was also discussed that the proposal would fill negative space between two dwellings that was complimentary to the street scene and the loss of this space would have an overall detrimental effect. It was also agreed that the proposal was incongruous and unsympathetic to the area by way of its design. It was therefore

RESOLVED that:

(A) The Head of Planning Services be authorised to refuse permission for application APP/1700928 for the following reasons:

1. The proposed extension by reason of its size, flat roof, design, materials and positioning would sit as an incongruous projection on the side elevation which would undermine the setting and character of this listed building. Furthermore the proposals would not preserve or enhance the appearance of the Langstone Conservation Area, nor the special qualities of the Chichester Harbour Area of Outstanding Natural Beauty. The development proposal is therefore in conflict with sections 66 & 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraph 132 of the National Planning Policy Framework and policies CS11, CS12 and CS16 of the

Havant Borough Local Plan (Core Strategy) 2011 and policy DM20 of the Havant Borough Local Plan (Allocations) 2014.

2. The proposed roof terrace would be likely to give rise to direct overlooking of No.15 Langstone High Street to the detriment of the amenities of the occupiers of this property. The proposal is therefore contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

(B) The Head of Planning Services be authorised to refuse listed building consent for application APP/17/00929 for the following reason:

The proposed extension by reason of its size, flat roof, design, materials and positioning would sit as an incongruous projection on the side elevation which would undermine the setting and character of this listed building. The development proposal is therefore in conflict with section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraph 132 of the National Planning Policy Framework and policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and policy DM20 of the Havant Borough Local Plan (Allocations) 2014.

## **76 Appointment of Chairman**

RESOLVED that Cllr Clare Satchwell be appointed as Chairman for the next meeting of the Development Management Committee.

**The meeting commenced at 5.05 pm and concluded at 6.50 pm**

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**Chairman**

CHAIRMAN AND MEMBERS OF THE COMMITTEE:

These applications are brought before you for consideration at my request and I am grateful for your indulgence. I am speaking largely with regard to the application for listed building consent.

I use my ability to red card application sparingly and after due consideration. Often the issues which lead a Councillor to red card an application are marginal, however, in the case of these applications I was genuinely shocked firstly by the applications themselves and secondly by the recommendation for approval. The Committee are aware that this is one of a terrace of three workmen's cottages built around 1700 which form part of the most iconic and recognisable aspect of the entire Borough. Its amenity value is such that it has graced countless paintings, photographs and brochures including our own. I have seen it used in national advertising and even our own politicians have used this backdrop for their own purposes!

Unfortunately, many Members were unable to attend the site visit which took place last week. I attended and I took a number of photographs which I hope will assist the Committee this evening. I believe the photographs highlight a number of crucial considerations. The first image is taken standing directly in front of the door to the wall to the south of the property and shows the vista from the property across to Northney and over towards Emsworth and Chichester. My head was a couple of feet below what would be the start of the terrace and it indicates from that direction the visibility of the terrace and the glass extension. I also have provided images of the Cottage from the front which shows not only the importance of the terrace and its relationship to other buildings along the Quay and the High Street but also the importance of the negative space between those buildings which is an important part of their setting, breaking up the line in a way which has been largely the same for centuries. To close up that gap will unbalance and damage this important vista.

In preparing for this deputation I have had regard to a number of documents and have considered them carefully including the Chichester Harbour ANOB Joint Supplementary Planning document (JSPD) which we approved in July this year and the Havant Borough Council Langstone Conservation

Character Appraisal and Management Plan (CAMP) which was approved in July 2011. I have also looked at the Langstone Village Design Statement which was prepared with encouragement and support from Havant Borough Council with huge effort and consideration from the residents of Langstone, particularly the Conservation Areas. I am conscious in reading those documents how much of the guidance and advice contained within the papers before you is essentially opinion and interpretation.

It is clear from reading the guidance that it is open to more than one interpretation or opinion. For this reason, I believe there is scope for you as a Committee to refuse permission on the basis of an equally valid but differing interpretation of the CAMP.

The Conservation Area is defined as an area of special architectural historical interest the character of which it is desirable to preserve or enhance. The terrace of three cottages of which Number 17 comprises emphasises that they all share a pitched roof with clay peg tiles, that they all share upper windows of timber frame casements and lower windows of timber frame sashes. It is noted that they all have 20<sup>th</sup> Century additions which are not highly visible from the street. Importantly, in the design guidance it is stated at 2.1.2 "Overall any proposed changes to a building in the Conservation Area should be sympathetic to the original design, scale, materials and setting of the building and respect the historic grain of development established by the existing plot boundaries and existing historic building. Unsympathetic extensions can change the form and character of a building significantly therefore the original architectural characteristics of the building should be respected and retained."

It is quite possible that you, Members of the Committee, may interpret that section of the CAMP differently to the interpretation contained in the notes. Further, moving to the consideration of development in Conservation Areas in the Local Plan we have stated ourselves the following: "Development which will be detrimental to the character and/or setting of Conservation Areas will not be permitted. The special architectural character and historic interest of each of these

Conservation Areas is described in Conservation Areas in Havant which will be adopted as supplementary planning guidance.”

Inappropriate development both in and near Conservation Areas has damaging effects on their character and appearance. Individual developments may not be significant in themselves but cumulatively they could have a major impact.

I have also considered the Planning (Listed Buildings and Conservation Areas) Act 1990. In particular, paragraph 66(1) which states: “In considering whether to grant planning permission for development which affects a listed building or its setting the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The Department for Culture Media & Sport state in their statutory criteria that when making a listing decision the Secretary of State may take into account the extent to which the exterior contributes to the architectural or historic interest of any group of buildings of which it forms a part. This is generally known as group value. I believe this applies to this terrace and also to the High Street as a whole. The Secretary of State will take this into account particularly where buildings comprise an important architectural or historic unity or a fine example of planning or where there is an historical, functional relationship between a group of building. Applying this criteria in our own documents and in the statutory provisions and guidance I believe a different interpretation should be applied to this application which should lead to its refusal as inappropriate.

With regard to the issue of opinion, I was somewhat concerned by the Conservation Officer’s comments at paragraph 5 page 39 describing the extension as a modest addition occupying what is dead space. There is the difference between dead space and negative space which is often an architectural consideration of importance and is important from the context of breaking up the buildings in this terrace. Indeed, the Sterling Prize was recently won by Hastings Pier a building which comprises almost entirely of negative space. I was also concerned at the comment that the proposals

“largely reflect the advice offered” and it seems to do little more than “acknowledge and respect” the form of the primary listed building. There is no regard to the other buildings which comprise the terrace. It is “mainly” the upper floor that is seen. The Conservation Officer felt that the original glass balustrade did jar with the existing character and this has been amended to black iron railings. There is no precedent for black iron railings along this section of the Quay or High Street. The description of mixed fenestration is somewhat at variance to the description in the CAMP. I was concerned that it was accepted that issues such as fenestration could be dealt with as a reserve matter despite the Conservation Officer believing it was preferable to deal with such details at this stage. I am aware that in the past there has been considerable detailed involvement in the repair and replacement of windows as close to an exact match as is possible being required given the sensitive nature of the site and the importance of the visual amenity I would feel more comfortable if this was part of the main application.

With regard to the Chichester Harbour Conservancy, it is correct to say that they have not made strong representations, however, I note that their comments are made on a pre-application meeting with the Conservation Officer. I would assume that their view is largely based upon his recommendations and opinions. I do note with concern that their previous objection was misunderstood in the Officer’s Report in respect of the previous application which forms part of this overall development.

There are a number of other legitimate objections contained in the 41 representations which have been received and are contained in the Summary; I do not propose to rehearse those but I would concur with those comments.

In conclusion I believe there are a number of specific reasons for refusal and I rely on R51, R52, R56 specifically relating to Conservation Area and Listed Buildings and R23, R26 and R31 more generally. I would urge you to refuse the applications.

Cllr. M. Wilson

9<sup>th</sup> November 2017