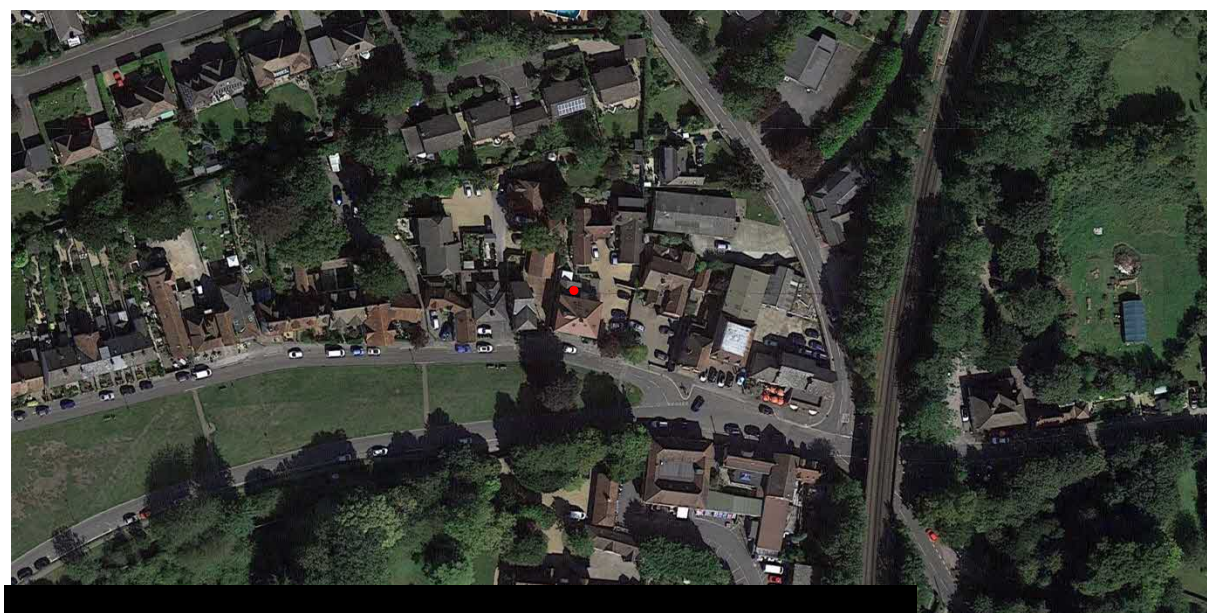


Planning, Heritage, Design & Access Statement

***16b The Green, Rowlands Castle,
East Hampshire, PO9 6BN.***

Proposed replacement balustrade.



Prepared by
Robert Tutton Town Planning Consultants Ltd
on behalf of Mr L. Slark

1. Introduction

This statement supports the planning application for a replacement first-floor balustrade to the rear of no.16b The Green.

This statement explains the nature and extent of the proposal and how it responds to the local environment, in its built and socio-economic contexts. It has regard to key national and local planning policies relating to alterations to flatted accommodation and design and should be read in conjunction with the other supporting documents.



2. Context

This irregular-shaped site of **0.019 hectare** lies on the north side of The Green in Rowlands Castle, within East Hampshire District Council's administrative area.

Regardless of whether one approaches the application site from the east/west along The Green or west along Redhill Road, public views towards the rear of the site are blocked by the properties that face south towards The Green. Views from the south on The Green and Redhill Road are similarly blocked.



In his 'Written Ministerial Statement: Planning for Growth' of March 2011, Decentralisation Minister Greg Clark confirmed that the *'Government's clear expectation is that the answer to development and growth should wherever possible be 'yes' except where this would compromise the key sustainable development principles set out in national planning policy'*. Paragraph 11 of the 'National Planning Policy Framework' 2023 ('NPPF') reiterated that principle, by generating a presumption in favour of sustainable development and the approval without delay of proposals that accord with the development plan.

Paragraph 130 ('Achieving well-designed places') of the NPPF provides for the grant of planning permission for development of good design. Paragraph 206 ('Conserving and enhancing the historic environment') indicates that proposals which make a positive contribution to a Conservation Area should be treated favourably.

Section 38 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; an element of flexibility is provided which enables decisions to be made which may disagree with the development plan. The development plan for Rowlands Castle comprises the saved policies of the 'East Hampshire District Local Plan: Second Review' (2006), the 'East Hampshire District Local Plan: Joint Core Strategy' (2014)

and Supplementary Planning Documents. The policies map of the development plan shows the northwest sector (two-thirds) within the Rowlands Castle 'Settlement Policy Boundary' and 'Conservation Area', with no other special designations; it does *not* fall within a Flood Zone.

Saved Local Plan Policy HE2 ('Alterations and Extensions to Buildings') provides for the grant of planning permission for alterations to buildings that respect the character of the building and its setting. Core Strategy Policy CP1 ('Presumption in favour of sustainable development') records that *'When considering development proposals, the Council...will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF)...Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise'*. Core Strategy Policy CP27 ('Pollution') indicates that planning permission would be granted for development that does not have an *'...unacceptable effect on the amenity of the occupiers of neighbouring properties through loss of privacy or through excessive overshadowing'*. Core Strategy Policy CP29 ('Design') calls for development to *'...respect the character, identity and context of the district's...villages...'*. Core Strategy CP30 ('Historic Environment') requires development to conserve and enhance the historic environment.

Attention has been given to the District Council's 'Rowlands Castle Conservation Area' (1977) guidance document.

This north side of The Green is characterised by family dwellings and commercial premises in a variety of dwelling styles, formats and plot sizes (see aerial photograph on cover page). Plain brown tiles are much in evidence at the rear (north) of the premises. It is understood that the rear (north) first-floor window of no.14 The Green (next-door to the east) serves a landing (ie a non-habitable area).

The application site comprises a semi-detached 2.5-storey mixed-use property (finished in brown brick and plain brown tiles) that stands on the north side of The Green. The frontage of the ground-floor is a shop (ie no.16 The Green), with a residential flat at the rear (ie no.16a); the upper-floor forms a maisonette (ie no.16b); and a communal garden area (for nos. 16a and 16b) lies to the rear (north). Planning permission (58572) was granted by East Hampshire District Council in March 2020 for the provision of loft accommodation and dormers to the front and rear roof planes. A frosted-glass balustrade (1.5 metres in height) was erected in December 2020, to form a modest first-floor amenity area (ie 9m²) for no.16b.



Planning permission 58572/003 was refused by East Hampshire District Council in April 2021 for retention of the frosted-glass balustrade. The District Council's decision notice recorded two reasons for withholding consent: *'1. The proposed development is inappropriate in design to the building and its setting and would therefore not preserve or enhance the historic and architectural character and appearance of the Conservation Area. As such, the proposal fails to comply with adopted policies CP29 and CP20 of the JCS and policies HE2 and HE5 of the Local Plan, Sections 16 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 16 of the National Planning Policy Framework (2019).; and 2. The proposed balustrade would facilitate the use of the first floor rear balcony which, by virtue of its design*

and positioning, would result in direct overlooking to the amenity areas of neighbouring properties to the north, north-east and north-west, in particular 14a and 16a The Green, causing unacceptable loss of amenity and privacy. The proposal would be contrary to policy CP27 of the East Hampshire District Local Plan: Joint Core Strategy and Section 12 Paragraph 127(f) of the NPPF. An appeal against the District Council's refusal of planning application 58572/003 (APP/M1710/W/21/32793320) was dismissed in April 2021; in his decision notice, Inspector Leonard recorded: recognition that the present '...balustrade is not widely apparent in views from The Green at the front of the property...' (para.14) but 'The frosted glass panels and steel posts are at odds with the palette of traditional materials which epitomize the townscape.' (para.13).



An application (58572/004) for a Lawful Development Certificate for continued use of the rear first-floor flat-roof area as a sun terrace/roof garden was refused by the District Council in February 2022. The District Council's Decision Notice recorded that '1 The activities referred in the submitted evidence are incidental to the main residential use of the flat and therefore do not amount to development for the purpose of Section 55 of the Town and Country Planning Act 1990. Consequently, no material change of use of the flat roof has occurred and a lawful development certificate cannot be issued.'

It is submitted that a sympathetic replacement balustrade would accord with the character of its surroundings and not compromise any key sustainable development principles of national or local planning policy.

3. Amount, Layout, Scale & Appearance

In light of the above, it is proposed that the existing frosted-glass balustrade be removed and replaced with a sympathetic balustrade **1.7 metres** in height, finished in 'hung' plain brown tiles. Respect for the privacy of existing and future residents has been accorded priority in the formulation of this proposal, from concept stage.

In this configuration, the proposal would make more efficient use of this flat-roof area in a manner that accords with the character of its surroundings and would not result in a detrimental impact on the amenities of neighbours. Since public views into the site are restricted, the proposal would leave the character and appearance of the Conservation Area unharmed and thereby satisfy the principle established by the *South Lakeland* case in 1992.

4. Trees & Ecology

No trees or protected species would be harmed as a result of this proposal.

5. Access

The site would continue to be served by the existing access arrangements.

6. Working Practice

To protect the amenities of neighbours/patrons, the operation of construction machinery on the site will be restricted to 8.00am-6.00pm Monday-Friday, 8.30am-1.00pm on Saturday, with no working on Sundays or Bank Holidays. All materials and plant would be kept within the curtilage of the application site.

7. Conclusion

It is submitted that the requirements of the development plan are *satisfied* by this proposal since it: would not detract from the existing street-scene; would be in keeping with the character of its surroundings; is of a high standard of design; incorporates materials sympathetic to the local character; and respects the privacy, outlook and sunlight of neighbours.

Development of this site in the manner proposed would achieve more efficient use of this urban land without harm to the character or appearance of the Conservation Area or the amenities of neighbours. It is contended that this proposal comprises an acceptable form of development that accords with the development plan and no other material considerations suggest otherwise.

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