

P/15/0063/FP

KENSINGTON HOMES LTD

FAREHAM EAST

AGENT: RICHARD STUBBS
MRTPI

DETACHED DWELLING AND DOUBLE GARAGE TO REAR OF 68 HIGH STREET
68 HIGH STREET FAREHAM HAMPSHIRE PO16 7BB

Report By

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Site Description

The application site comprises a parcel of land to the rear of, and currently associated with No. 68 High Street and used as car parking associated with the approved use of No.68 as a restaurant.

Located behind the main historic frontage of the High Street, the site is part of the original burgage plot of No. 68. The site is within the Fareham High Street Conservation Area and the main building itself is Grade II* Listed. The High Street comprises properties of a variety of building styles, and on this eastern side some buildings are set to the rear of that main frontage, including the industrial estate to the north-east and mews buildings to the north.

Description of Proposal

This application is identical to a previous submission which was refused planning permission in April 2014 (ref P/14/0025/FP) with only a minor change to the red edge of the site.

Planning permission is sought for the erection of a detached two-storey 4 bedroom house in a Georgian style. Within the curtilage of the proposed dwelling would be a double garage and a single surface parking space. Access to the site would be via the existing vehicular track off High Street between nos 67 & 68 (Lysses Court).

To avoid any doubt over the proposed parking arrangements, the additional four parking spaces shown to be retained within the existing car park would be allocated for use by the existing frontage building 68 High Street. These spaces are not within the red-edge of the application site and would not be provided for use by the occupier of the new dwelling.

Policies

The following policies apply to this application:

Approved Fareham Borough Core Strategy

CS2 - Housing Provision

CS5 - Transport Strategy and Infrastructure

CS6 - The Development Strategy

CS7 - Development in Fareham

CS15 - Sustainable Development and Climate Change

CS16 - Natural Resources and Renewable Energy

CS17 - High Quality Design

Fareham Borough Local Plan Review

RCCPS - Residential Car and Cycle Parking Standards Supplementary Planning Document,

Development Sites and Policies

DSP2 - Design

DSP4 - Impact on Living Conditions

DSP6 - Protecting and Enhancing the Historic Environment

Fareham Borough Local Plan Review

DG4 - Site Characteristics

Relevant Planning History

The following planning history is relevant:

P/15/0062/CU - CHANGE OF USE TO A SINGLE DWELLING (CLASS A3 TO CLASS C3) - YET TO BE DETERMINED

P/14/0056/CU - CHANGE OF USE FROM CLASS A3 (RESTAURANT) TO CLASS C3 (DWELLING HOUSE) - REFUSE
APPEAL DISMISSED 17TH DECEMBER 2014

P/14/0025/FP - CONSTRUCTION OF 4 BEDROOM HOUSE ON A TARMAC CAR PARK AREA - REFUSE

P/13/0973/FP - ERECTION OF 1.8 METRE HIGH GALVANISED DIAMOND MESH FENCE IN POSITION OF PREVIOUS FENCE - APPROVE

P/13/0625/FP - RETENTION OF 1800MM CLOSE BOARDED FENCE TO REAR OF SITE - REFUSE

P/13/0095/CU - CHANGE OF USE FROM CLASS A3 (RESTAURANT) TO CLASS C3 (DWELLING HOUSE) AND ERECTION OF DETACHED DOUBLE GARAGE AT REAR OF PROPERTY - REFUSE

P/13/0099/FP - ERECTION OF A DETACHED THREE STOREY BLOCK OF FIVE FLATS OVER THE CAR PARK - REFUSE

Representations

Seven representations have been received in support of the proposal on the grounds that:

- A new dwelling out of sight behind no. 68 would be no bad thing
- It is in keeping with the conservation area unlike the commercial buildings nearby
- The new house has an appropriate design and size
- The proposal makes good use of a wasted car park / ugly area of tarmac
- The historic boundary walls would be kept

One representation has been received from the director of the company occupying the office building to the immediate east of the site raising concerns over the effect on the structural safety of the eastern site boundary wall.

The Fareham Society have raised objections as follows:

- The setting and character of 68 High Street, a Grade II* listed building, would be deleteriously affected by the construction of a new house on the burgage plot
- If permitted this would set a very harmful example that could be repeated on both sides of the High Street in the future
- Development on plots to the rear of frontage properties has been resisted for many years and upheld on appeal
- The subject of the recent dismissed appeal was the subdivision of the burgage plot not what may or may not take place on the rear car park in the future

Consultations

English Heritage -

68 High Street Fareham is an imposing 18th century building fronting the High Street and set within a medieval burgage plot which extends to the rear forming the garden setting of the former house. The burgage plot is an important survival of the medieval street pattern of Fareham and makes an important contribution to the significance of the grade II* listed building and also to the character and appearance of the Fareham Conservation Area.

In this instance the extent and shape of the burgage plot is readily discernible on the ground as it is delineated by brick walls. The open character of the former burgage plot, which is currently garden and parking, results in uninterrupted views across the site; this means that the form of the burgage plot is easily legible. Some of the neighbouring plots have been developed in the past so the unaltered open character of this site is especially significant.

The erection of a four-bedroom house and double garage on the rear part of the burgage plot would be harmful to the historic environment by virtue of obstructing the views across the site (rendering its extent less readable) and by eroding the open character of this rear area. Also the presence of a substantial dwelling to the rear of 68 High Street would undermine the traditional character of the site- which would have been as an open garden area, perhaps with a few small ancillary buildings, serving the principal dwelling at the front of the plot, with a clear hierarchy. No evidence has been seen that in this instance there were ancillary buildings in the garden area so the openness of the site is important.

If this site was to be developed as proposed it would be difficult to appreciate the extent of the burgage plot which was associated with 68 High Street and although the main house would still retain a reasonable garden it will not be of the original extent and, importantly, nor will full extent be legible.

Under the National Planning Policy Framework (NPPF) it is a core planning principle to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations (para.17 NPPF). When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. No other planning concern is given a greater sense of importance in the NPPF. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification (para.132, NPPF). The onus is therefore on the Local Authority to rigorously test the necessity of any harmful works.

There is no explanation within this submission which could justify the harm to the heritage assets (the listed building and the conservation area). Therefore it is concluded that this proposal would not meet the requirements of the NPPF.

Director of Planning & Development (Conservation Officer) -

No. 68 High Street is a grade II* listed building dating from the 18th century which fronts Fareham High Street. It sits within a surviving medieval burgage plot. At the rear of the building the plot forms a garden with an area of parking at its eastern end which is the site of this application. The rear of the plot is accessed through the former carriageway arch to no 67. The surviving burgage plot, which remains undeveloped and legible to its historic extent contributes to the setting of the listed building. The map evidence shows that this burgage plot has not been developed in the past, in the C19 it was laid out as open garden.

The application site also lies within the boundary of the Fareham High Street Conservation Area which was designated in 1969 to protect the special architectural and historic interest of the High Street. A key feature of the High Street Conservation Area is the survival of its medieval pattern of burgage plots that originate from the late 12th /early 13th century and are of great importance to its significance. The long narrow plots, which are enclosed with brick boundary walls, define a strong urban grain that has survived for many centuries. Overall character comprises an unbroken frontage of historic buildings along both sides of the street with largely undeveloped burgage plots surviving to the rear. Some are laid to garden, some used for parking and some are a mixture of both. Whilst some limited development may have occurred, this largely originates prior to conservation area designation and tighter control, such as the garage block and flat to the north and other small scale garaging. The development of surviving open backland sites within the burgage plots for commercial and residential use has been resisted resulting in the historic pattern being well preserved. The architectural and historic interest of the conservation area is set out in the Council's adopted conservation area character appraisal, the document states that that the open rear garden areas provide a striking contrast with the closely built street frontage and provide a vital setting for the many listed buildings.

The National Planning Policy Framework expects heritage assets to be conserved in a manner appropriate to their significance. It expects great weight to be given to their conservation; the more important the asset the greater the weight. It advises that significance can be harmed or lost through alteration or destruction of a heritage asset or by development within its setting. It also advises that as heritage assets are irreplaceable any harm or loss must require clear and convincing justification and that any harm should be weighed against the public benefits of the proposal.

The existing open character of the burgage plot, which is used as a garden and a surface car park, allows its full extent, with its surrounding historic walls and associated listed frontage building to be legible and appreciated. Although the burgage plot has been subdivided for many years with a fence and a hedge separating the garden from eastern end, which is used as a car park, it has nonetheless remained undeveloped and as a result is visually intact preserving views across the site of its historic extent, its boundary walls and its grade II* listed frontage building. This surviving character contributes to the setting of the listed building and preserves the character and appearance of the Conservation Area identified as important in the conservation area appraisal. It is preferable for the burgage plots in the High Street to stay intact and ancillary to their frontage buildings as this retains their historic integrity, the setting of the listed buildings and the historic medieval layout of the street.

In determining the recent appeal on this site the Inspector took the view that subdivision of this burgage plot in terms of use, delineated by a fence and a hedge, would result in little or no change from the current situation and in his view this change might in practice have already happened. He considered the use of the rear part of the plot would continue in very much the same way as had gone on for many years, the subdivision in itself not being harmful. He made no comment concerning the suitability of residential development on the car park or the likely impact of this on the setting of the listed building or the character of the conservation area. The introduction of back land residential development on the existing open rear car park would raise additional planning considerations that threaten the historic character of the site, the character and appearance of the conservation area and the setting of the important grade II* listed building.

The proposed residential development would introduce a substantial new building and residential focus of activity into what historically was an undeveloped open rear garden, the essential open character of which remains and has survived for many years. The proposed development would be harmful in that it would;

- result in an uncharacteristic form of development at the rear of the high street frontage that is disruptive to and out of character with the established medieval development pattern. This is identified as important in the adopted conservation area character appraisal and included as a key feature to preserve and enhance. This development would be harmful in itself but there is concern that it may also make it difficult to resist similar development in other important burgage plots which would threaten the survival of the medieval pattern of development which is a key historic feature of the High Street.

- significantly erode the existing open character of the site and obstruct views across the surviving burgage plot reducing appreciation of its extent and of its historic boundary walls. In doing so it would also erode the historic context and harm the setting of the listed building.

- introduce a scale, form and design of development out of character with the historic context and hierarchy of the historic burgage plot which was ancillary open land serving the principal building on the frontage.

Director of Planning & Development (Highways) -

There are two concerns in regard to this proposal -

- Clearly the development would have the effect of losing some 16 car parking spaces that are currently available for the present use of 68 High Street. Such a loss of parking would be unacceptable unless that use ceased in favour of a use, such as a single dwelling (ref current application P/15/0062/CU), that did not require more than the four separate car parking spaces retained within the wider proposals.

- It is noted that the intention is to reinstate the original wall and gate at the entrance to the site proper. The concern is that this wall reinstatement, presumably to the height of the adjoining walls, will offer drivers emerging, very poor visibility or warning of approaching vehicles on Lysses Court. The original wall was presumably reduced in height to aid safety at the entrance and subsequent loss of visibility here would be detrimental to safety, given the vehicular activity associated with the industrial estate to the east and the fitness gym opposite. This element of the proposals would be unacceptable from a highway safety point of view.

The on-site proposals would be acceptable provided conditions were applied that the garage was to be kept available for the use of at least one car and that turning space was to be maintained for the four car parking spaces associated with 68 High Street.

Planning Considerations - Key Issues

a) Principle of development

The application site is located within the urban area of Fareham and within the area defined by the Fareham Borough Local Plan Review as Fareham Town Centre and is within the Fareham High Street Conservation Area. In terms of its location therefore the proposal is in line with the aims of the Development Strategy Policies of the Fareham Borough Core Strategy which seek to focus new residential development within sustainable locations in the existing urban area.

However, the development of the site must be considered with regard to the specific importance of its role in part of the setting of the Grade II* Listed Building and as part of the Fareham High Street Conservation Area. The relevant policies of the local plan and the NPPF must be taken into account as well as the comments received in relation to this application from the Secretary of State's heritage adviser English Heritage and the Council's own Conservation Officer. The Planning Inspector's appeal decision in relation to planning application reference P/14/0056/CU is also an important material consideration. These issues are considered further below.

b) The proposed change of use of the Grade II* Listed Building and the implications of the recent appeal decision

The recent appeal decision in relation to planning application reference P/14/0056/CU and dated 17th December 2014 considered the proposed change of use of the Grade II* listed frontage property to a single dwellinghouse. The appeal was dismissed due to the lack of parking provision to serve the dwelling. The majority of the appeal decision however discussed the issue of whether the severance of the historic burgage plot would harm the setting of the listed building or the character and appearance of the conservation area in which it lies. In reaching his conclusion the inspector stated that he considered "the setting of the listed building relies primarily on the large garden, not the full burgage plot" and did not agree with the Council's position that the severance of the car park from the rear garden and curtilage of the frontage listed building as a whole would be harmful.

Another planning application seeking permission for a change of use of 68 High Street to a single dwellinghouse is currently with this authority for consideration (reference P/15/0062/CU). The application identifies four parking spaces to serve the dwelling but is otherwise identical to the proposal considered in the appeal. Taking into account that the submission addresses the previous reasons for the inspector dismissing the appeal, Officers are minded to grant planning permission under delegated powers.

c) Impact upon the setting of the Grade II* Listed Building 68 High Street and the character and appearance of the High Street Conservation Area

The planning Inspector's comments on the appeal described above are relevant in that they discuss the setting of the frontage building at 68 High Street. However there is a clear distinction in the proposal considered by the Inspector then and this current proposal for a new dwelling. The Inspector did not comment on whether built development on the car park (for example, a new dwelling), as opposed to its simple severance in use from the curtilage

of the frontage listed building, would be harmful since it was not within the remit of the appeal proposal. He noted that there would be "little or no change in the previous situation under the restaurant". In contrast the current proposal for a detached, two storey, four bedroom house has additional and materially different implications in terms of its effect on the setting of the listed building and the character and appearance of the conservation area.

The comments received from the Conservation Officer and English Heritage describe the existing open character of the burgage plot on the site. It is explained that the present openness of the car park, and the rear garden of no. 68, allows uninterrupted views of the extent of the burgage plot and its frontage building and the historic walls that surround it. This allows the full extent of the original burgage plot to be legible and appreciated.

The importance of the High Street Conservation Area's burgage plots is highlighted in the adopted Fareham High Street Conservation Area Character Assessment.

The Character Assessment states:

"The strong character of present day High Street derives from the remarkable survival of the burgage plots, which were laid out by the Bishops of Winchester in the late twelfth/ early thirteenth century." and

"The long narrow burgage plots, separated by tall brick walls, and the strong unbroken street frontage form an urban grain that has persisted for many centuries. It remains strong and legible and is fundamental to the historic character of High Street".

The clear advice from both the Council's Conservation Officer and English Heritage is that the proposed development would obstruct views across the site and erode the openness so important to the character of the historic plot, the setting of the Grade II* listed building and the character and appearance of the conservation area. In doing so the proposal would be harmful and contrary to both those local plan policies which set out the importance of development responding positively to and respecting key heritage assets and national planning policy provided through the NPPF.

The Character Assessment also explains that the need to protect the historic character of the High Street "has been reflected in the Council's development plan policies for many years and has been successfully defended on appeal".

Two Appeals at 18a High Street have upheld the Council's firm position on the development of burgage plots. In refusing a development of six dwellings (APP/A1720/A/04/1145408) the Inspector stated that the development would be 'sharply at odds with the prevailing historic form of buildings in the conservation area'. The second appeal was for an annex extension (APP/A1720/D/13/2192572) where the Inspector concluded that 'The sizeable, two-storey extension would effectively replicate an earlier addition to the dwelling and would encroach further into this largely open plot, thereby further eroding its historical significance and compromising the well defined historic pattern of frontage development and the surviving street layout.'

The applicants have not provided a convincing argument in favour of the proposed development or demonstrated any public benefits that would outweigh the harm to the setting of the listed building or the character and appearance of the conservation area. It is of note that the applicant's statement does not make any reference to the need for the development to facilitate the future maintenance and use of the listed building.

d) Impact of the proposed development upon and from neighbouring development -

The proposed dwelling in itself would not result in any harm to existing nearby uses and, although the location is not considered to be an ideal one for a new dwelling, it is not considered that the resultant living environment for future residents would be sufficiently poor as to justify the refusal of permission for this reason.

e) Car Parking and Access

The planning application proposes the provision of a double garage and a single surface parking space. Given the town centre location of the development and the comments received from the Director of Planning & Development (Highways), the level of proposed parking provision is considered to be acceptable in meeting the demands of the new household unit.

Development on the existing car park would clearly mean that the number of parking spaces to serve the frontage property would be reduced since the existing car park would be no longer available for customers or staff. In the event that planning permission should be granted for the frontage property to be used as a single dwellinghouse as proposed by application reference P/15/0062/CU, the remaining space for four cars to park would be sufficient. However, if that application was not successful or if it was not implemented and the current use of the premises as a restaurant remained then there would be a significant shortage of parking space available for cars visiting the site associated with that use. Had this application for the new dwelling been found to be acceptable in all other regards Officers would have invited the applicant to enter into a legal agreement to ensure that development of the new dwelling and garage would not start before the change of use of the frontage building to a single dwellinghouse was implemented.

f) Effect on Solent Special Protection Areas (SPAs)

Policy DSP15 (Recreational Disturbance on the Solent Protection Areas) of the emerging Fareham Borough Local Plan Part 2: Development Sites and Policies explains that planning permission for proposals resulting in a net increase in residential units may be permitted where the 'in combination' effects of recreation on the Special Protection Areas are satisfactorily mitigated through the provision of a financial contribution through the Solent Disturbance Mitigation Project (now known as the Solent Recreational Mitigation Partnership (SRMP)).

The proposal involves a net increase of one residential unit. Had the proposal been found acceptable in all other regards the applicant would have been invited to make a financial contribution through the SRMP. In the absence however of such a contribution or the means to secure one, or the submission of evidence to demonstrate that the 'in combination' effects of the development can be avoided or mitigated in another way, the proposal is held to be contrary to Policy DSP15.

Conclusion

In conclusion, the proposed development is considered to be unacceptable in that the new dwelling and garage would erode the open character of the burgage plot and would be an uncharacteristic form of development harmful to the setting of the Grade II* Listed Building and the character of appearance of the High Street Conservation Area.

The development would also reduce the number of parking spaces available in the existing

car park. The proposal would therefore fail to provide adequate parking provision in association with the restaurant use in the existing frontage building. Even if planning permission was granted for the change of use of the frontage building to a use requiring less parking space to be provided, there would be no mechanism in place to ensure the change of use of the property before the dwelling and garage was built so as to overcome this particular issue.

The proposal fails to mitigate the impact of the development on recreational pressure and habitat disturbance to the Solent Special Protection Areas.

Recommendation

REFUSE:

The proposed development is contrary to Policy DG4 of the Adopted Fareham Borough Local Plan Review, Policies CS5, CS6 and CS17 of the Adopted Fareham Borough Core Strategy and Policies DSP6 & DSP15 of the Emerging Fareham Borough Local Plan Part 2: Development Site and Policies, in that:

i) the siting of the development within this historic burgage plot plus the size, scale and design of the proposed dwelling would harm the setting of the Grade II* Listed Building and would fail to preserve or enhance the character and appearance of the High Street Conservation Area;

ii) the proposal fails to identify an adequate number of off-street vehicle car parking spaces to be retained in order to cater for the established lawful restaurant use of No. 68 or to provide a legal mechanism to ensure that, before the development hereby proposed takes place, the use of No. 68 is changed so that the remaining parking space available is appropriate to that use;

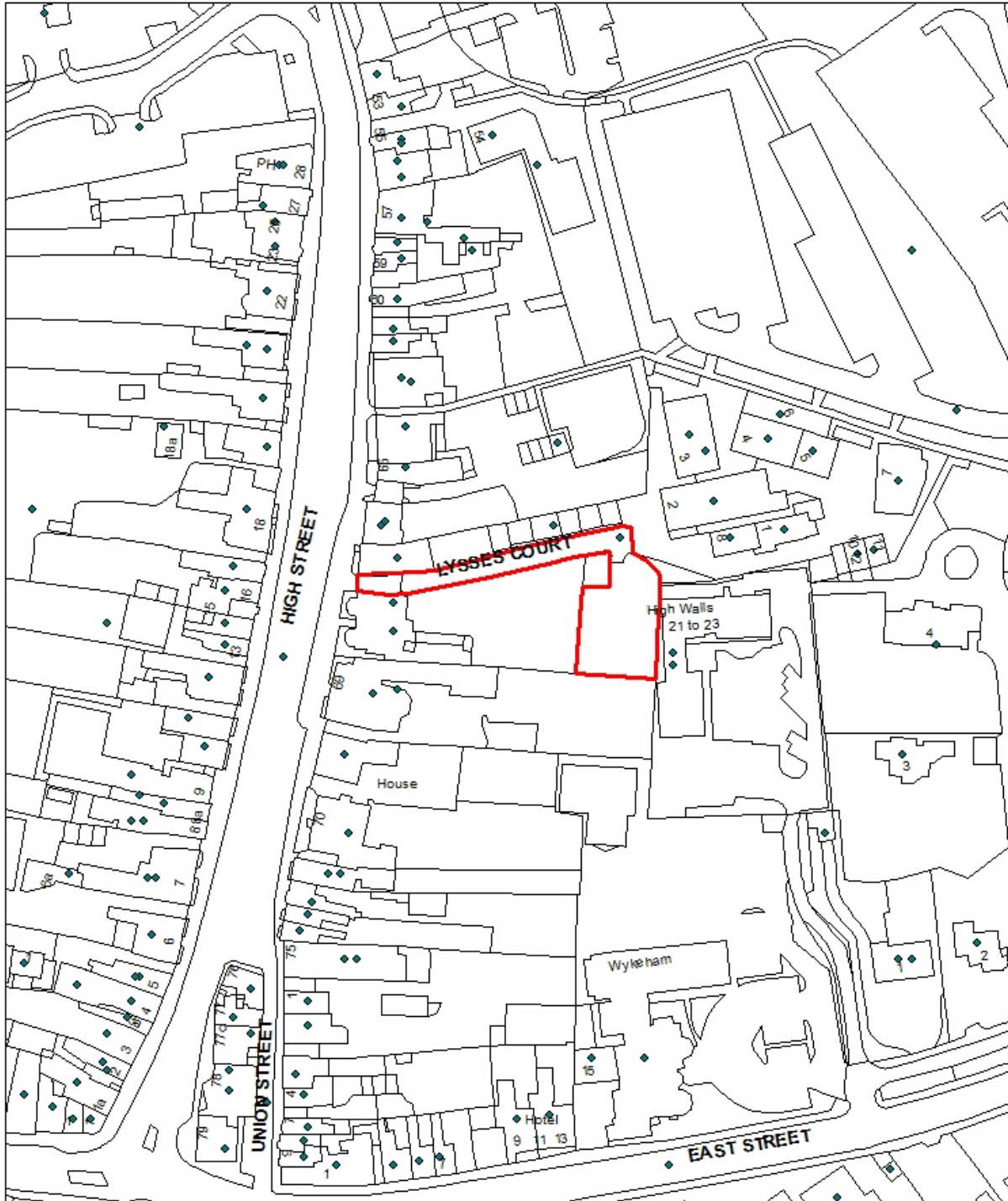
iii) in the absence of a financial contribution or a legal agreement to secure such, the proposal would fail to provide satisfactory mitigation of the 'in combination' effects that the proposed net increase in residential units on the site would cause through increased recreational disturbance on the Solent Coastal Special Protection Areas.

Background Papers

P/13/0095/FP; P/13/0095/CU; P/13/0625/FP; P/13/973/FP; P/14/0056/CU; P/14/0052/FP; P/15/0063/FP

FAREHAM

BOROUGH COUNCIL



68 High Street
Scale 1:1250

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