

Full statement of case for planning appeal against refusal of planning permission by Havant Borough Council APP/20/00315

Two reasons for refusal were given by Havant Borough Council in the decision notice dated 25th June 2020.

The first reason related to parking at the site,

In evaluating the parking, we do not believe the council has acted fairly, they seem to be utilising this planning application as an opportunity to address what they see as historic parking practices at the site and the lack of parking spaces available to the flats above. Hayling Garage has operated in its present location for many years and way beyond certificate of lawfulness requirements. For all this time the garage has parked, road legal taxed and MOTed vehicles, in Tournurbury lane (with very few problems or complaints) and used the forecourt to sell vehicles. The flats above have never had parking spaces and are under separate ownership, their tenancy agreements also state that they must not park on garage property.

The above is the existing status quo (before the side extension was ever built) and as such is acceptable.

The creation of the new service bay/shelter creates a defined parking requirement over and above the accepted status quo. We therefore believe that as long as that defined requirement is satisfied, parking should not be a reason for refusal.

The parking for the new shelter is in defined newly created parking spaces to planning requirements, to achieve this the applicant proposes to reduce the number of car sales spaces by the required number to create the required area. He has negotiated to rent space elsewhere for any overflow cars to avoid any pressure on these defined spaces which will only be used for the planning defined parking requirements.

It should be noted that we believe the number of spaces provided satisfies the documented requirements of Havant Borough Council however we have offered to increase this by further spaces if we have misinterpreted the set HBC parking requirement standards.

The second reason for refusal relates to design, materials, and visibility.

At second/revised application stage, significant efforts were made to address the concerns raised by the planning officer. Suggestions were made by the officers that lowering the roofline and cladding the building in materials to match the existing building may be possible ways of addressing their concerns. The revised application lowered the eaves height by half a metre (to the minimum height of its functional use), reduced the pitch of the roof and clad the building in materials to match the existing. It was made clear at this point that the applicant would clad the building in any material suitable to the LPA. We thus feel stating materials as a reason for refusal is unfair.

The reason for refusal also states that the building is in a mainly residential area and thus its design and position is overly bulky.

Hayling Garage is in a mixed commercial retail and residential area directly opposite the proposal is the two-storey blank wall of the Coop building and also its loading /delivery bay. South of the Coop on Church road are a range of retail and a public house. Opposite the

garage is Smith and Austin Engineering a portal frame industrial metal fabrication unit and next to this is a power sub-station

To the other side of the garage and the east (Tournurbury lane) residential properties begin. To describe the extension as been in a mainly residential area and to be overly bulky when surrounded by the bulk of the coop and the engineering workshop seems incorrect.

It is also interesting to note that support rather than objection was the response of the neighbouring residential property owners who have lived next to the business for many years.

Due to the above reasons we believe the reasons for refusal are not justified and have hence raised this appeal

Additional information

It should also be noted that the officers report states that

“In order to overcome the previous refusal reason, the current scheme has rearranged the layout to provide 5 new parking spaces at the front of the property to be used by staff and customers.

There is, however, it appears no site layout plan submitted and as such a full and proper assessment of the proposal cannot be made.

The applicant should submit a site layout plan demonstrating the layout changes for review. HBC will need to determine in their capacity as local parking authority that the level of parking provision proposed falls in line with adopted standards. “

This is simply not the case, a plan was provided and it was identified that this had not been downloaded from the planning portal by the LPA (its submission can be checked via the portal) The planning officer then raised this with the agent who pointed the planning officer back to the planning portal where they found the missing document.

It should also be noted that one objection states that

“Before the extension was created the outdoor area was used to park vehicles NOT for work to be completed on cars.”

Again this is simply not true this space has been used for repairs and servicing for many years, one of the benefits of the shelter was to bring this activity under cover