

**TOWN & COUNTRY PLANNING ACT 1990
(AS AMENDED BY THE PLANNING AND
COMPENSATION ACT 1991)**

**APPEAL BY LINDA GUTTERIDGE &
JANE WOOD**

**SITE AT LAND TO R/O 17A-17B AVONDALE ROAD,
WATERLOOVILLE PO7 7 ST**

**CONSTRUCTION OF 1 NO. 2 BED BUNGALOW TO
REAR OF 17A/B AVONDALE ROAD, WITH ACCESS
VIA BROOKLYN DRIVE.**

APPELLANT'S APPEAL WRITTEN STATEMENT

Appellants	- L Gutteridge & J Wood
Architect	- HRP Architects Ltd

Planning Inspectorate Ref	: APP/
Local Planning Authority Ref	: APP/20/00146
Local Authority Decision	: 28 May 2020
6 month date	: 27 Nov 2020

1.0 The appeal site and introduction

1.1 17 Avondale Road is subdivided into two separate dwelling units and the original rear garden area is now only partly used, with the northern end being left as an overgrown parcel of land. This land fronts Brooklyn Drive and slopes slightly up to the west. It is enclosed by low close boarded fencing fronting Brooklyn Drive and the northern boundary with the drive serving 1 Brooklyn Drive; with higher fencing along its western boundary. There are no parking restrictions in Brooklyn Drive.

1.2 This Planning Statement is provided in support of an application for a two bedroomed bungalow sited relatively centrally within the plot, with garden space to the north and two parking spaces to the south. It concerns 17A-17B Avondale Road, Waterloooville ('the site').

1.3 The appellants – Mrs L Gutteridge and Mrs J Wood has owned the property for some time and has made vast improvements to the existing property which currently provides two no. 1 bed flats.

3.0 Application site characteristics

3.1 A google earth aerial view illustrates the existing building and rear garden, also showing the different types and sizes of rear buildings along the rear of properties in Avondale Road.

Document 1.

3.1 The aerial image and site photographs also highlights the boundaries of the dwelling which surround to both the North, East & South. The proposal retains all these boundary treatments as existing thus maintaining the important characteristic of the site which does not conflict with the existing vehicle entrance to be maintained as part of this proposal.

Documents 1 & 2.

3.1 The external boundaries of the proposed dwelling consist of 1.8m high close boarded fence for privacy to the rear garden and a brick plinth wall and railings to the common areas.

HRP Architects drawing number 8880-03A.

4.0 Relevant planning application history

4.1 04/67971/000 - Outline application for one detached two bedroom, two storey dwelling: Refused 21/12/2004

Reasons relate to size and shape of plot not allowing for a development compatible with the surrounding development and highway safety.

4.2 05/67971/001 - Outline application or one detached bungalow with parking. Refused 28 July 2005

Appeal Dismissed 2 February 2006

5.0 Relevant Planning Policies

5.1 National Planning Policy Framework (NPPF)

5.1.1 On 27 March 2012, the framework of government guidance in the form of Planning Policy Statements and Planning Policy Guidance Notes was replaced by the National Planning Policy Framework (NPPF). The adopted policies of Three Rivers District Council reflect the content of the NPPF.

5.2 In addition to the aims and objectives of the National Policy Framework, the relevant policies within the Portsmouth Plan would include: PCS23 (Design and conservation)

6.0 National Planning Policy Framework - NPPF dated 27 March 2012

At the heart of the NPPF is a presumption in favour of sustainable development with an expectation to secure high quality design and retention or provision of a good standard of amenity.

Paragraphs 59, 60 and 61 discourage the imposition of architectural styles and planning policies and decisions should not attempt to stifle innovation while acknowledging that policies should address the connections between people and places and integration of development into the natural, built and historic environment.

Any proposal would be considered in accordance with the relevant national and local planning policies. Currently this refers to policies in the adopted Core Strategy and Allocations Plan, along with supplementary planning documents (SPDs) which form part of the Local Plan. The relevant policies to this proposal would be:

Core Strategy:

CS9 - Housing

CS16 - High Quality Development

CS17 - Concentration and Distribution of Development within the Urban Areas CS21 - Financial Contributions

DM13 - Car and Cycle Parking on Residential Development

7.0 Reasons for Refusal and Grounds for appeal

Reason 1. The size and shape of the plot is not considered commensurate with the surrounding pattern and character of development in the area and the subdivision of the plot in the manner proposed would represent over-development of the site, with inadequate amenity space for both future occupants and the retained property.

The applicant having completed a pre-application submission, and with advice from the appointed architect, felt the advice presented gave reasonable confidence in making the required amendments to gain support for a full application. We were aware of the site history and in discussing with the planning officer were encouraged when told they thought the design had responded well to the site's constraints. Following this telecom and receipt of the pre-app letter dated 13th January 2020 a full application was submitted making the following changes and guided by the letter from the planning authority:

- It was requested that land to the adjacent property, no. 15 Avondale Road could be incorporated into the scheme but this would not have been possible.
- A cross section was requested to understand the proposed finished floor levels and relation to the adjacent highway and this information was provided (drawing number 8880-03) and formed part of the planning application drawings.
- The boundary treatment was shown on the drawings and clarification that this was to comprise of a 1.8m high cbf and brick plinth wall and railings as indicated on the proposed drawings and could be dealt with via a condition if

approved.

- Concern had been raised that the proposed garden space on the pre-app, at 38m sq, and a depth of approx. 6m is not adequate. The full application therefore had been amended to show a proposed amenity space of over 54m sq and a garden depth of 8m which was felt to be appropriate for a small 2 bed dwelling.
- It was noted in the pre-application that the proposed garden was 'particularly marginal' at 38m sq, so the significant increase in the full application of over 40% was felt to be at 54m sq acceptable.
- It had been suggested in the pre-application the dwelling be reduced to 1 bedroom which we felt meant a building could be supported here, so changes were made to the design and garden to suit the 2 bedroom bungalow with adequate parking provision as supported by highways.
- Request at pre-app for landscaping to soften appearance on the frontage which was added on the drawings and can be dealt with via a condition.

Reason 2. On the basis of the information available and in the absence of a detailed drainage design it has not been adequately demonstrated that the development would not lead to on and off site surface water flooding issues.

No concern through-out the schemes development had been raised on surface water concerns, only a week or so prior to a decision being provided. The applicant is aware of a watercourse to the East of the site, out-side land owed by the them, and the planning department had suggested talking to all the neighbours and raising funds to prevent future flooding which was just not feasible.

Hampshire County Council have raised the issue of a problem with the watercourse that flows behind the boundary of the properties on Avondale Road, but have failed to deal with the problem of the blocked watercourse and have not pressured riparian owners adjacent to the watercourse to deal with their legal responsibilities

- It was felt that without support of our application, the expense of designing a scheme to mitigate flooding issues would not be possible, although the watercourse was not within the site boundary. We consulted with an engineer who has compiled a supporting letter that should an application be approved the foundations and landscaping can be designed to mitigate and risk to the new and surrounding properties, and the letter is attached **Appendix 1**
- Should the application be granted approval we trust the drainage could be dealt with by way of a planning condition.

Reason 3. In the absence of a suitable agreement to secure recreational mitigation measures, the development would be likely to have a significant effect on the Solent European sites as specified in the Habitats Regulations Assessment that has been undertaken in relation to this planning application.

Following completion of the Mitigation checklist, complied and sent to the LPA on 10th March 2020, the applicant would agree and specified a payment for the sum of £545.00 (including administration fee) should this application be approved.

7.1 The appellants have appointed professional people to assess the site and work with the LPA to ensure the proposal meets the Local Planning policies and would gain the support of the Local Planning Department. There is clearly a difference of opinion between the LPA's recommendation of refusal which now requires the consideration of an appointed planning inspector.

The proposed design of the new dwelling and alterations proposed have been guided by the constraints presented on the site in regard the scale and mass of adjacent dwellings and to void any overlooking or privacy issues, as well as being guided by the clients instructions and requirements as stated by the pre-application response.

8. The appeal proposal – the principal of the development.

8.1 The proposed dwelling had no objections raised from local residents and the site due to its current dilapidated state we feel would benefit from this development in providing a better solution than that which currently exists.

8.2 The proposals will re-use the rear of a site that is located in a sustainable location and is currently under-utilised. The proposal as adhered and closely changed following guidance from the LPA in the pre-application, with the client instructing HRP Architects to carry out all the suggestions made concerning the advice given.

8.3 There are several different styles of development adjacent to the site so there is no coherent pattern or character within close proximity. Concern had also been raised in regard the amenity space for the two existing flats which the client owns, no.s 17A & 17B Avondale Road. We feel this is not a material consideration for this application as the garden provided for the ground floor flat is more than adequate when the majority of flats do not have any access to private amenity.

9.0 Conclusion

9.1 The pre-application stated that the submission at that time was very marginal, and the impact on the street scene, amenity provision and levels would need to be taken into consideration. All this had been taken on board with significant changes to show the raised FFL, and support from a structural engineer, together with the boundary design and large increase in private garden space. It was also acknowledged that the proposals had clearly considered the views of the previous inspector and a vastly improved scheme paying attention to the sites constraints and location. With this we feel that the proposal has address the concerns from the previous application and submitted a scheme which also responding to the concerns addressed at pre-application.

The appellants have learnt a great deal from the process and put a considerable time, money and effort in securing the support of the LPA, this can be seen with the planning history and in particular making necessary amendments to appease the LPA all as requested.

The appellants consider that the proposal has been sensitively prepared and merits support and request the appointed Planning Inspector allow the appeal.