



Appeal Decision

Site visit made on 19 February 2019

by Steven Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 May 2019

Appeal Ref: APP/X1735/W/18/3215679

The Railway Inn, 95 North Street, Emsworth, Hampshire PO10 7PQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr David Lucas against the decision of Havant Borough Council.
 - The application Ref APP/18/00665, dated 20 June 2018, was refused by notice dated 22 August 2018.
 - The development proposed is to demolish existing outbuildings to ground/first floor at rear of site and construct 2No new two bedroom houses with off road parking.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the development on the character and appearance of the area;
 - The effect of the development on the Solent's Chichester and Langstone Harbours Special Protection Area (SPA).

Reasons

Character and Appearance

3. There is an extant planning permission (APP/17/00567) for two dwellings in much the same location as that proposed with this appeal scheme. The primary difference is that the houses now proposed have undercroft parking spaces. This is proposed as openings in the front elevation and formation of two parking spaces (one for each dwelling) integrated into the buildings. With the approved development there was no off-street parking provision.
4. The street scene of Sultan Road is characterised by short terraces of simple frontages, built up close to the public footpath. The existing houses that front this section of Sultan Road are not identical, although they are similar in character and scale allowing for a sense of uniformity. It is, however, evident that there are no other examples of undercroft parking spaces on the existing houses on this section of Sultan Road. As such, the inclusion of prominent wide openings at ground floor level of the front elevations to allow for the parking spaces would be an incongruous and alien feature within the street scene.

5. Whilst the appellant states that this would be beneficial from a parking perspective, having two off-street parking spaces for the two houses, I note that this is an accessible location to which there are alternative methods to travel by private car available. Furthermore, it is unlikely that anyone other than the owners of the proposed dwellings would park on the road in front of the undercroft parking areas. Therefore, the proposal would effectively prevent parking for others in the street to the front of the proposed houses, even if there were no vehicles parked in the undercroft spaces. The benefits to parking provision is therefore limited and does not outweigh the adverse effect to the character and appearance of the area.
6. As such, the proposal would be harmful to the character and appearance of the street scene, contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, which seeks to, amongst other things, require development to be of a high quality design which responds positively to local character. The proposal is also contrary to some of the guidance within the Havant Borough Design Guide Supplementary Planning Document 2011, such as the need to reflect local character.

The effect on the Solent SPAs

7. The application site falls within the 5.6km zone of Chichester and Langstone Harbours SPA, which is an internationally and nationally important numbers of overwintering and breeding bird species. Natural England, the Government's specialist advisor, indicates that in this location additional residential population will have, in combination, a significant adverse impact on the integrity of the SPAs through additional recreational disturbance.
8. Having regard to the information provided by the Council relating to the development's effect on the SPA, I am in no doubt that it would, in combination with other developments in the area, have the potential to create recreational pressures for the SPA. Such recreational pressures could significantly affect the interest features of the SPA. As the development would involve the construction of an additional dwelling there would be some potential for its occupiers to seek to make use of the SPA as a recreational destination. It is therefore necessary for me to undertake an appropriate assessment under the Habitat Regulations.
9. The Council, along with partners, has adopted the Solent Recreation Mitigation Strategy (the Mitigation Strategy) to provide measures to protect the SPAs from recreational disturbance.
10. Given the scale of this development I consider that its implications for the SPA's integrity would of themselves be modest and that the effect would be capable of being mitigated. That is because there is a comprehensive strategy in place, ie the Mitigation Strategy, that has been agreed by various bodies, including Natural England, the statutory nature conservation body, which has the purpose of responding to the potential recreational pressures expected to arise from the provision of new homes anticipated around the Solent in the coming years. The Council seeks to collect contributions towards such mitigation.
11. Whilst a Unilateral Undertaking legal agreement has been submitted, the Council has stated that it is not sufficient. This was primarily due to it not being signed and also that the relevant monies were not received. I note that the

legal agreement has now been signed by the appellant. However, I understand that there has been no transfer of monies (contribution, administrative fee or monitoring fee) yet. The appellant wishes to pay when they obtain planning consent, according to the Appeal Form, but the signed legal agreement states that this needs to be paid on the date of the deed. Furthermore, I note that the letter dated 19 August 2018 from the Agent Mr Singleton to the Council requested that the amount due would be paid on the commencement of works on site, and therefore confirmed as a condition.

12. As the competent authority, I am not satisfied that this issue has been resolved as the signed legal agreement requires the fee on the date of the deed, but the appellant has not supplied the monies and it is unclear when this would be paid. Therefore, the appropriate financial contribution has not been secured as required by the legal agreement. I am therefore not convinced that the mitigation would be in place as required to counter the effect of the development on the nearby SPAs.
13. As such, the proposed development would have a likely harmful effect on Special Protected Areas contrary to Policy DM24 Havant Borough Local Plan (Allocations Plan), which seeks to, amongst other things, avoid or mitigate a likely significant effect on the SPAs, caused by recreational disturbance through the combination effect of net additional dwellings.

Conclusion

14. For the reasons given above the appeal is dismissed.

Steven Rennie

INSPECTOR