
Appeal Decision

Site visit made on 19 November 2018

by S Edwards MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 December 2018

Appeal Ref: APP/X1735/W/18/3204791
32 Fishery Lane, Hayling Island PO11 9NR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Macey against the decision of Havant Borough Council.
 - The application Ref APP/18/00099, dated 23 January 2018, was refused by notice dated 27 March 2018.
 - The development proposed is the erection of 1 No.2 bedroom chalet bungalow.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The revised National Planning Policy Framework (the Framework) published on 24 July 2018 sets out the Government's planning policies for England. Policies within the Framework are material considerations which should be taken into account for the purposes of decision-making from the date of its publication. The parties have had an opportunity to comment on the matter during the appeal process and I have taken the revised Framework into consideration as part of the determination of this appeal.
3. Additional information was submitted by one of the interested parties during the course of this appeal, which relates to the formation of an additional window on a neighbouring property. The appellant and the local planning authority were subsequently provided the opportunity to comment. Consequently, I shall take additional representations into account in reaching my decision.

Main Issues

4. The main issue is the effect of the proposal upon: (1) the character and appearance of the area, and (2) the living conditions of the occupiers of 30 and 32a Fishery Lane, with particular regard to outlook and light.

Reasons

Character and appearance

5. No 32 Fishery Lane is located within an area of residential character, which includes bungalows, blocks of flats, terraced, semi-detached, and detached dwellings, all of which display varying architectural styles. Properties are

typically set back from the road, behind small front gardens, and generally sit within proportionately sized plots.

6. The appeal site comprises a wide vehicular access, which leads to a detached property. The appellant's property is thus substantially set back from the road frontage, and partially sits to the rear of 32a Fishery Lane. There is a large area of hardstanding to the front of the existing dwelling to accommodate off road parking, and a large garden area to the west. Part of this amenity area would be lost to provide off road parking and a vehicular access onto Marshall Road, whilst the existing access at Fishery Lane would be retained for the proposed dwelling.
7. The proposed severance of the appeal site would lead to the creation of a plot which would appear noticeably narrower than the majority of properties in the locality. The proposal would be marginally set away from the boundaries either side. Inevitably, this would constraint the design of this detached property, which would appear squeezed into this narrow plot. The proposal would result in a cramped and congested form of development, which would not sit comfortably within its plot, and cause harm to the appearance of the site.
8. The proposed dwelling has been designed with a single storey element to the front, in order to minimise any adverse impact on the living conditions of the occupiers of the neighbouring properties situated either side. Within the street scene, the proposed dwelling would however unduly stand out as an alien form of development, which would not appear in keeping with the residential characteristics defining this locality. It would fill in what is currently perceived as an appropriate visual gap within the public realm, which provides relief between two terraces, and subsequently cause visual harm to the street scene.
9. Whilst the proposed dwelling would be located approximately 2 metres away from no 32a Fishery Lane, it would sit directly adjacent to the boundary fence shared with this neighbouring property. The existence of the physical boundary would, therefore, reduce the suggested degree of spacing between the proposal and the adjacent property.
10. The appellant has also drawn my attention to other residential developments within the immediate locality. The first one is an end-of-terrace property on a more spacious corner plot, whilst the second relates to a larger house sitting within a wider plot. The circumstances of these examples are therefore not directly comparable to the appeal proposal, which I have considered on its own merits.
11. The proposal would be harmful to the character and appearance of the area. Accordingly, the scheme would conflict with Policy CS16 of the Havant Borough Core Strategy (the Core Strategy) 2011 and the Design Guide Supplementary Planning Document (SPD) 2011. These notably require development to be designed to a high standard.

Living conditions of neighbouring residents

12. No 32 Fishery Lane comprises an-end-of-terrace property, which is adjacent to the appeal site's existing driveway. The proposed dwelling would be sited approximately 2.2 metres from this neighbouring property. The single storey element to the front of the site would ensure that the scale and bulk of the proposal do not harmfully affect the outlook from the windows on the side

elevation. However, the two-storey element would also project significantly further back than the rear elevation of this neighbouring property, and stand alongside its rear garden. Having regard to the scale and footprint of the development, but also proximity to no 32a, the proposal would cause harm to the outlook from the windows situated on the rear elevation of the property, and have an oppressive and overbearing effect upon these neighbours the living conditions of these neighbouring residents.

13. In addition, by reason of its orientation in relation to no 32a, the proposal would also to some extent affect daylight and sunlight levels reaching this neighbouring property, and cause further harm to the living environment of its occupiers.
14. Located to the west of the existing vehicular access, no 30 Fishery Lane comprises an L-shaped end-of-terrace property, with an attached garage which appears to be converted into additional living accommodation. A large mansard roof extends across the whole terrace. There are numerous windows at ground and first floor levels on the side elevation facing onto the driveway subject to this appeal which, I understand, serve habitable rooms. At ground floor level, the outlook from some of these windows is however to some extent compromised by the existing car port situated along the boundary shared with the appeal site.
15. The flank wall of the proposal would sit directly alongside the boundary shared with no 30, and therefore within proximity of the side facing windows. Although the two-storey element would be stepped further away from these windows, the overall height and length of the proposed dwelling would appear substantial when viewed from no 30. By reason of the bulk and proximity to this property, the overall impact of the proposal would appear oppressive and overbearing. As well as being visually intrusive, the outlook from these habitable windows would be adversely affected.
16. The appellant suggests that the living conditions of the occupiers of the neighbouring properties would be materially improved in terms of reduced noise and disturbance, due to the closure of the existing vehicular access. However, this would not outweigh the harm that I have identified in respect of the main issues.
17. For these reasons, the proposal would cause material harm to the living conditions of the occupiers of nos 30 and 32a Fishery Lane. The proposal would therefore conflict with the aims of Policy CS16 of the Core Strategy and the Design Guide SPD.

Other Matters

18. The appeal site lies within proximity of the Solent Maritime Special Area of Conservation, and Chichester and Langstone Harbours Special Protection Area and Ramsar protected sites. There is a need to contribute towards mitigation measures due to the potential adverse impact that residential development may cause to these sensitive areas. This is not disputed by the appellant, who signed a Unilateral Undertaking to that effect, in order to secure this contribution. As I am dismissing the appeal on other substantive grounds, this is not a matter which needs to be considered further here.

19. I note that Policy CS9 of the Core Strategy sets out housing delivery targets to reach by 2026. However, the Council is disputing the appellant's contention that it is unable to demonstrate a deliverable five year housing land supply. Following the shortage identified within the 2017/18 Annual Monitoring Report, the Council explained that as a result of a recent review following the 2017/18 completions and recent planning permissions for additional residential development, it is now in a position to demonstrate a five year housing land supply. This is ascertained by the evidence submitted in support of the Council's statement. In these circumstances, paragraph 11.d) of the Framework, as directed by Footnote 7, does not apply.
20. The construction of an additional dwelling would support the local economy to some degree, through the creation of work opportunities and demand for materials during the construction phase. Beyond that, future occupants may use local services and facilities. In addition, the proposal would only modestly boost housing supply and choice. In any event, I consider that these benefits would be limited in scale, and would not outweigh the harm that has been identified and thus the conflict with the development plan.

Conclusion

21. The development would make a modest contribution to housing within the settlement. However, the other considerations advanced do not outweigh my findings above. I conclude that the appeal should not succeed.

S Edwards

INSPECTOR