

Appeal by

Mr N Stone

1 Dockenfield Close

Appeal Statement

Mr I Donohue

BA (Hons) MRTPI



Client: Mr N Stone

Date: April 2018

Ref: H/229/ID

SOUTHERN PLANNING PRACTICE LTD

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<u>Contents:</u>	Page
1.0 QUALIFICATIONS AND EXPERIENCE	3
2.0 INTRODUCTION	5
3.0 DESCRIPTION OF THE SITE AND SURROUNDING AREA	6
4.0 THE PROPOSAL.....	7
5.0 PLANNING HISTORY	8
6.0 PLANNING POLICY CONTEXT	9
7.0 STATEMENT OF CASE	10
8.0 CONCLUSION.....	16

APPENDICES

1. Copy of application
2. Copy of decision notice
3. Location plan
4. Officers report
5. Photos
6. Permission at 1 Winchfield Crescent
7. Photo of drive
8. Highway comments
9. Permission at 47 Dockenfield Close

1.0 QUALIFICATIONS AND EXPERIENCE

- 1.1 I am Ian Michael Donohue. I hold a Bachelor of Arts Degree in Town and Country Planning from Trent Polytechnic. I am a Member of the Royal Town Planning Institute.



- 1.2 I worked in development control from 1976 to 1980 and again from 1988 to 2007. I have been in private practice since. I am a Director with Southern Planning Practice Ltd, which is an independent town planning consultancy. My work covers the full range of town and country planning, for public and private sectors.
- 1.3 I have been instructed by Mr Stone to act on his behalf in respect of this Appeal. I have read all the documentation submitted with the application, have visited the site and I am familiar with the surroundings.

2.0 INTRODUCTION

2.1 Southern Planning Practice Ltd has been instructed by Mr Stone to appeal the refusal for a Construction of a 1No. 1bed dwelling with associated refuse and cycle storage, parking and landscaping. Ref APP/17/01136

2.2 The scheme was refused under delegated powers on 29 Mar 2018

2.3 The reasons for refusal were as follows: -

1 The proposed development due to the contrived design, restricted plot width and forward siting in Winchfield Crescent would be prominent in the streetscene and would conflict with the established pattern of development in the locality and as such would have an adverse impact on visual amenities. The proposal is therefore contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

2 The proposal fails to satisfy the minimum car parking requirements set out in the adopted Parking Standards and it has not been demonstrated that sufficient car parking would be provided on site to serve the proposed development in accordance with the Local Planning Authority's adopted standards. As such the proposed development could encourage the parking of vehicles on the public highway which could interrupt the free flow of traffic, detrimental to residential amenity and contrary to Policies the CS16, and DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

2.4 A copy of the application is submitted with this appeal. (See **appendix 1**) and a copy of the decision notice (**appendix 2**)

3.0 DESCRIPTION OF THE SITE AND SURROUNDING AREA

- 3.1 Dockenfield Close is a residential cul-de-sac in Havant. No 1 Dockenfield Close is an end of terrace 3 bedroom house sited on a corner plot at the junction with Winchfield Crescent. It is set back from Winchfield Crescent relative to the terrace that lies to the east fronting the Crescent and a landscaped area separates the boundaries of these properties and the side boundary of the application site from the highway in Winchfield Crescent. The property has a relatively wide garden.
- 3.2 Generally the properties in this location were constructed without on site parking, and the area provides some unallocated layby parking. However, the application property does provide on site parking for 2 cars in an existing garage with parking to the front accessed off Winchfield Crescent.
- 3.3 The area is predominantly characterised by medium to high density residential development of a broadly similar character. The site lies within a defined urban area for the purposes of the development plan. The location plan is attached at **appendix 3**.

4.0 THE PROPOSAL

- 4.1 The plans have been amended and the proposal now comprises the construction of 1No. one bed two storey end of terrace dwelling with associated refuse and cycle storage, parking and landscaping. The development would be constructed in materials to match the existing dwelling, and whilst of similar style it would have a reduced width, reflecting the proposed plot width.
- 4.2 The proposed plot for the new dwelling would be slightly wedged shaped and the dwelling would be sited in proximity to the boundary with Winchfield Crescent. One on site parking space would be provided for the proposed dwelling off Winchfield Crescent in the location of existing garage and parking space serving the existing dwelling, which would be served by a new parking space off Dockenfield Close. A rear garden approx 7.5m deep would serve the proposed dwelling and the existing dwelling would retain an area of rear garden some 6.5m by 10m deep.

5.0 PLANNING HISTORY

5.1 There is no previous planning history however in relation to the application it is important to point out the original submission was for a wider two bed dwelling. Due to concerns raised by officers the applicant amended the scheme from a two bed dwelling to a single bed dwelling which the subject of this appeal.

5.2 Other relevant decisions: -

- APP/15/01200 | Erection of 1No. two storey two bed house at end of terrace (approved 24/12/2015). Request to Discharge Condition 2 (16/06/2017). | 47 Dockenfield Close, Havant, PO9 3ST
- APP/14/00562 | Proposed two storey extension to existing building to create a two bedroom dwelling utilising existing vehicular access onto highway. (Revised application). | 1 Winchfield Crescent, Havant, PO9 3SP

6.0 PLANNING POLICY CONTEXT

6.1 The following planning policies are relevant: -

- National Planning Policy Framework
- Havant Borough Council Borough Design Guide SPD December 2011
- Havant Borough Council Parking SPD July 2016

6.2 Havant Borough Local Plan (Core Strategy) March 2011

- CS11 (Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
- CS16 (High Quality Design)
- CS17 (Concentration and Distribution of Development within the Urban Areas)
- CS21 (Developer Requirements)
- CS9 (Housing)
- DM10 (Pollution)
- DM13 (Car and Cycle Parking on Residential Development)

6.3 Havant Borough Local Plan (Allocations) July 2014

- AL1 (Presumption in Favour of Sustainable Development)
- DM24 (Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)
- AL2 (Urban Area Boundaries and Undeveloped Gaps between Settlements)

7.0 STATEMENT OF CASE

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires development to be approved in accordance with the development plan, unless material considerations indicate otherwise. The Planning System: General Principles states that where there are other material considerations, the Development Plan should be the starting point and other material considerations should be taken into account.

7.2 The ability to consider material considerations provides flexibility to depart from the Development Plan where there are good reasons for doing so.

7.3 In summary the council have quoted the following policies in their reasons for refusal: -

- DM13 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011
- The National Planning Policy Framework 2012

7.4 It is argued that the proposal is therefore compliant with other policies in the plan. In addition the case officers report (see **appendix 4**) has confirmed that the development is acceptable in principle: -

(i) Principle of development

The application site is located within a defined urban area for development plan purposes. The construction of a new dwelling on the site is therefore considered appropriate in principle, subject to consideration of detailed development control criteria, which include the provisions of the Borough Design Guide SPD as well as Core Strategy policies which promote high quality designs which respect the amenity of the locality and local residents. The provision of 1 new dwelling, whilst modest, would contribute to the provision of new homes across the Borough under Core Strategy Policy CS9. It is noted that a number of properties in the locality have been extended at 2 stories, however, these involve a different context or form of development and as such the current application has to be considered on its merits.

7.5 Therefore the reasons for refusal relate to the technical elements of the development. With regard to this there are three main elements to the refusal: -

1. The design

- 7.6 As mentioned previously due to the concerns of the planners about the proximity to the road an amended plan was submitted to address the shape of the plot. The officers in the reason for refusal considered the design to be contrived. However in the report (see **appendix 4**) it states :-

The proposed dwelling would be constructed of similar materials to 1 Dockenfield Close, but that part of the proposed dwelling closest Winchfield Crescent would be set back in response to the narrowing of the plot width and overall the width of the proposed dwelling would be relatively narrow due to the restricted width of the plot. As such it would appear unbalanced with the existing dwellings in the terrace, but not to such an extent as to form the only reason for refusal.

- 7.7 This is read as meaning that if there was no highways reason then the officer would not have refused the application on design grounds. The design is not contrived but has considered the narrower front part of the plot to maintain the space to the boundary fence and provided an appropriate design in the context of the site. It appears as a subservient two storey side extension as detailed in the design guide. The development would also follow the building line (as shown on the amended plan)
- 7.8 The recessed front elevation would not unbalance the terrace due to the position on the corner and the limited visibility of the terrace as whole until level with number 36 Winchfield Crescent. Notwithstanding this the recess provides a distinctive contrast to the uniformity of the terrace. As such considered an appropriate design and compliant with Policy CS16

2. The impact on the street scene

- 7.9 The Leigh Park Estate was in the main constructed in the 1960's as a new suburb for Portsmouth. One of the main features is the tree lined verges on many of the roads which entails that in a number of areas the houses are set back from the highway and are screened by the trees, this is the situation with the application site. (See photos at **appendix 5**. The existing flank wall of the house is 12.5 mts from the road and the

resulting flank wall (recessed part) would still be over 9 mts from the road. The deeper part of the dwelling would be over 7 mts from the road. In addition there would still be a minimum of a metre gap to the site boundary with the footpath.

7.10 Having regard to the context of the area and the site the extension would be in the main screened from Winchfield Crescent, and as such would not be prominent with the street scene. It would be screened by the trees when travelling west (see **appendix 5**) and only visible when alongside the property.

7.11 When travelling east it is acknowledged that the extension would be visible, though only from close to the property due to the tree and the adjoining terrace, however visibility in itself does not equate to harm. It is argued that, what is in effect a two storey side extension that the officer considers to not warrant a refusal on its own, would not be prominent in the street scene.

7.12 The appellant is also somewhat confused by the officers comments in that on the one hand it is indicated that the extension in itself would not warrant a refusal however goes onto state that: -

Additionally given the narrow form of the proposed dwelling and its design to accommodate the narrowing of the plot, the development would appear contrived and out of character.

7.13 This indicates that had the application been for a two storey side extension then, rather than a separate dwelling then the application would have been supported. It is not clear therefore how the same development form and style could be refused as a dwelling but would not be refused as an extension. It is argued therefore that the proposal complies with policy CS16.

7.14 I draw the inspector's attention to another planning permission within the area (see **appendix 6**). It is realised that it is sometimes difficult to compare developments however it is argued in this case that they should be a material considerations: -

- APP/14/00562 | Proposed two storey extension to existing building to create a two bedroom dwelling utilising existing vehicular access onto highway. (Revised application). | 1 Winchfield Crescent, Havant, PO9 3SP
- This planning permission relates to an end of terrace property within Dockenfield Close. See location plan. This permission was an extension to a terraced property in a very prominent near to the entrance to Winchfield Crescent. In the officers comments it is stated in relation to the impact on the street scene

*When viewed from Winchfield Crescent, the proposed dwelling would appear as a significant addition to the western end of a terrace of four existing dwellings. However, with the exception of a reduction in the width of the dwelling, it would follow the lines of the existing terrace to the front. From the rear of the site, it is considered that the proposed built form of the development would not have a detrimental impact on the character or visual amenity of the street scene as the proposal would appear fundamentally the same as the existing end of terrace dwelling. **In wider views the new dwelling would potentially lead to the end of the terrace appearing more prominent in the street scene, in relation to the terrace of properties immediately to the west.** However, the angles of various groups of dwellings and roads in the locality are such that there is not an obvious single building line, and the projection of the terrace closer to the road will not of itself appear out of character with its surroundings.*

- I ask that the inspector views the siting and prominence of this development at any subsequent site visit.
- The important point to note is that there is a recognition of the varied building line and that prominence in the street scene does not equate to harm.
- It is recognised that with issues of design there is a degree of subjectivity however with the current appeal it is sited in a less prominent location than this referenced site and shows that there is an inconsistency with the interpretation of policy CS16.

3. Car Parking

7.15 In terms of parking it is important to clarify the existing situation: -

- The parking in the road side verge is not allocated and there is capacity for parking on the verges and also within the layby within Dockenfield Close.
- Although number 1 has a garage this has never been used. This is because there are currently no access rights across the pavement from the road side parking area into the site (see photo at **appendix 7**). On this basis the property has no onsite parking and therefore there is no loss of parking.

- The appellant has contacted Hampshire County Council who have confirmed that access could be granted for the parking space to the rear of the new dwelling and for the two spaces shown in the front forecourt of the original house. In addition there is capacity to extend the road side verge.
- There is not an objection from the highway engineer and there is no request for a parking survey. (See **appendix 8**)

7.16 Having regard to the above there would actually be a gain in parking over and above the current situation with the ability to provide three spaces.

7.17 It should be noted that even if the officer is not convinced that there would be a parking problem, the officers report states :-

*A number of properties in the area do not have on site parking, however, the existing layby appears to be well used as is the grassed verge along Winchfield Crescent, therefore on balance and in the absence of a parking survey to demonstrate otherwise, **it is possible** that the shortfall would have an unacceptable adverse impact on amenities of existing residents.*

7.18 I also draw the inspectors attention to another planning permissions within the area (see **appendix 9**) It is realised that it is sometimes difficult to compare developments however it is argued in this case that they should be a material considerations: -

- APP/15/01200 | Erection of 1No. two storey two bed house at end of terrace (approved 24/12/2015). Request to Discharge Condition 2 (16/06/2017). | 47 Dockenfield Close, Havant, PO9 3ST
- This planning permission relates to an end of terrace property within Dockenfield Close. See location plan. The existing property has no access to the highway and the authority granted permission subject to the availability of parking in an off site communal parking area. it should be noted that the highways officer objected to the proposal.
- Notwithstanding the objection the officers response to the objection in the delegated report was as follows: -

There is no parking provided within the site, however parking could be provided within the area between the garages and the turning circle at the end of the cul-de-sac. It is usual within this locality for dwellings not to have allocated parking and this

*dwelling would accord with the general form of development and would not lead to the loss of any parking spaces. **The comments of the Traffic Management Team have been weighed in the balance with regard to the provision of a new home. It is not considered that a reason for refusal on lack of parking could be sufficiently demonstrated to cause such an unacceptable impact as to form the only reason for the refusal of this scheme for a single household.***

- Having regard to these comments there is an inconsistency in the decision making. On the one hand the planning officer has considered that the highway objections could not be justified while with the current appeal there are no highway objections but they constitute a reason for refusal. Regard has not been given to the fact that there is currently no on site parking a 1 Dockenfield and with the proposal three could be provided.

7.19 The final point in paragraph 32 of the NPPF states: -

..... Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

7.20 In this case It is argued that the either the development is compliant with the policy in that 3 spaces are provided or alternatively that even with the perceived loss of the garage the impacts of the development are not severe.

Other considerations

Amenity

7.21 The officer does not consider that there are any amenity issues (see **appendix 4**)

The proposed property is located to the north of no.1 Dockenfield Close, and would not have a significant impact on the outlook or amount of available sunlight as it would not project beyond the front and rear elevations of No1. There are no windows proposed within the proposed gable end and separation distance is such that the proposal is not considered to result in unacceptable loss of amenity to 38 Winchfield Crescent. The proposed dwelling would result in a decrease in the size of no.1's garden, but a garden depth of 10m would be provided in accordance with the Borough Design Guide.

Letters of support

7.22 There were six letters of support submitted with the application

8.0 CONCLUSION

8.1 The construction of dwelling in the built up area is acceptable in principle and would contribute to the housing supply.

8.2 The design is appropriate and id appropriate in the context of the street scene and as such would not be out of character or detrimental to the visual amenities of the area and visual

8.3 Sufficient parking can be provided on site

8.4 The inspector is therefore asked to uphold the appeal.