



S.78 APPEAL STATEMENT

Local Planning Authority (LPA) Ref: APP/17/01274

Proposed Development: 4 Detached Bungalows with
associated Carports, Parking and Access

Address: Land rear of 51 – 57 Frogmore Lane,
Waterlooville

APRIL 2018

1. PREAMBLE

- 1.1 For information, the appellants are the developers of the adjoining land to the southwest where a development of 4 chalet bungalows has now been completed. They were unable to viably continue the access to the appeal site from that direction due to the retention of a 'ransom' strip of land along the northeast boundary of that land with the appeal site.
- 1.2 The development of the adjoining land as a continuation of Willowside clearly established the principle of developing the backland garden areas to the rear of the properties along Frogmore Lane. As the appeal site is the last possible piece of land to be developable in the immediate location, the appellants have sought to gather the land together and to find a suitable alternative access to achieve its development.
- 1.3 The most significant gap exists between Nos. 55 and 57 and it is believed that this is satisfactory for the purpose. Whilst this will be considered in more detail in this statement it is considered to be of relevance that approval of an access here would not result in further similar proposals within the vicinity as other similar sites are not available.
- 1.4 All normal standards for development are met and the development would follow the line of the new chalets to the southwest. Appropriate surveys were undertaken and reports received, and submitted with respect to access/parking, ecology and trees, none of which raised any unsurmountable issues and the recommendations of which were fully taken into account in the design process.
- 1.5 Whilst the appellants fully appreciate that the LPA may take an alternative view to an applicant, nonetheless, it is considered that the reasons for refusal are not soundly based, do not bear close scrutiny and raise matters which could have been more fully discussed with the applicants during the determination process which might have led to a more positive outcome and the additional of 4 further dwellings into an overpressed housing market.
- 1.6 It is not proposed to cover all of the matters which are already fully set out in the submitted Design and Access Statement (D & AS) and which will form part of the appeal documents within this statement. Matters such as the character of the area, planning history, policy and general design may be found in the submitted D & AS.

2. THE DECISION

2.1 The decision (APP/17/01274) was issued on 29 March 2018 within which the development was refused for the following reasons:

- 1 *The proposed development would result in a cramped form of development characterised to the front of the proposed dwellings by narrow gaps between dwellings, driveways, turning, parking and car ports. This would be harmful to the character and appearance of the development and result in a car dominated layout. Furthermore it has not been demonstrated to the satisfaction of the Local Planning Authority that the development would not result in harm to off site trees further impacting on the character and appearance of the area. The proposal is therefore considered to be contrary to policies CS11, CS16 and DM8 of the Havant Borough Local Plan 2011 Havant Borough Council Borough Design Guide SPD 2011 and the National Planning Policy Framework.*
- 2 *The proposed access located between Nos 55 and 57 Frogmore Lane would by reason of its proximity to the existing dwellings, and associated vehicular and pedestrian movements result in noise and disturbance to adjoining residents and an unacceptable impact on residential amenity. Furthermore the proposed dwellings would by reason of their siting, orientation and design be overlooked by properties fronting Yoells Crescent. This would result in a loss of privacy for future residents to rear rooms and private garden areas. The development is therefore contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.*

3. STATEMENT OF CASE

3.1 The following comments are raised counter to the individual concerns raised in the reasons for refusal:

REASON: The proposed development would result in a cramped form of development characterised to the front of the proposed dwellings by narrow gaps between dwellings, driveways, turning, parking and car ports. This would be harmful to the character and appearance of the development and result in a car dominated layout.

- 3.2 The proposed development is for 4 (No.) dwellings which is in character with the density of the development of the adjoining site. The site area of 0.19ha results in a density of only 21 dwellings per hectare which is considered low.
- 3.3 The footprints of the proposed dwellings are larger than the adjacent new development as a result of their single storey design. This design was deliberately chosen in order to reduce the scale and bulk of the buildings and therefore the impact upon the existing surrounding development. Paragraph 5.26 of the LPA's adopted residential design guidance supports this:

"The proposed development should therefore not dominate in terms of mass or height, the street or public frontage, or buildings on this frontage. It should be well designed, it should also be subservient and smaller in size, massing and scale to the frontage property."

This issue will be explored further in this statement when considering that element of the LPA refusal but the increased footprints do result in greater site coverage and more closely related buildings. Nonetheless, all of the proposed dwellings would have external side access to rear gardens.



- 3.4 The refusal refers to a 'car dominated layout'. Whilst the LPA concern is noted it must be borne in mind that this is, as a matter of fact, a low density proposal. The 'dominance' of the car is in part a result of the LPA car parking requirements for this type of development which insists upon 2 car parking spaces per dwelling and the provision of visitor parking.

TABLE 4A			
C3 Dwelling Houses – Vehicle Parking			
Size of dwelling \ Zone	Minimum Car Parking Requirement	Havant Town Centre	Waterlooville Town Centre
1 Bed Unit	1 space	Max 1 space	Max 1 space
2 Bed Unit	2 spaces	Max 1 space	Max 1 space
3 Bed Unit	2 spaces	Max 1 space	Max 2 spaces
4+ Bed Unit	3 spaces	Max 2 spaces	Max 2 spaces

Notes
 1. With the exception of small residential developments an additional 20% of unallocated parking for visitors should be accommodated.

Extract from LPA Parking Supplementary Planning Document

There are alternatives to the proposed parking layout but the layout was chosen as providing an intimate and secure one. Car ports are proposed as these represent a security feature for future residents; the buildings also provide an added foil between the proposed dwellings and the existing frontage dwellings with the car port adjacent to the south boundary providing a visual stop to the end of Willowside.

- 3.5 The spaciousness of the front courtyard to the dwellings is further reduced by the need to protect the trees within the adjacent garden to the north. The matter of the trees will be further explored in this statement.
- 3.6 Finally, the applicant was required, by contract, to provide a replacement outbuilding for No.55 Frogmore Lane and rear parking for No.57. It should be noted that No.55 enjoys day to day parking in the front garden and that the proposed building would be for hobby use with access to the accessway for convenience. This building contributes the proposed 'built form'

- 3.7 As the potential developers the appellants consider that the submitted layout functions well and would provide a suitable future living environment for the residents but stress that, although it is understood that the appeal cannot consider an alteration to the layout, they would have been open to discussions over this point and would have been prepared to adjust the layout as necessary to meet any concerns raised.

REASON: Furthermore it has not been demonstrated to the satisfaction of the Local Planning Authority that the development would not result in harm to off site trees further impacting on the character and appearance of the area

- 3.8 The appellants were very surprised by the inclusion of this statement in the LPA reasons for refusal which smacks of unnecessary bolstering. The Inspector will note that the application was supported by a full tree report. The layout was in part designed around the retention of the trees in the adjacent garden which, it must be noted were not subject of a Tree Preservation Order and have not since been placed under such.
- 3.9 The appellants consider that the report and method statement, supported by plans of root protection areas fully demonstrate that the existing trees to be retained will be adequately protected from, acceptably located in relation to and not harmed by the proposed development notwithstanding comments made by the Hampshire County Council Arboricultualist.

REASON: The proposed access located between Nos 55 and 57 Frogmore Lane would by reason of its proximity to the existing dwellings, and associated vehicular and pedestrian movements result in noise and disturbance to adjoining residents and an unacceptable impact on residential amenity.

- 3.10 In such discussions as the appellants have had with the LPA case officer, they were given to believe that this represented the main concern over the proposed development.
- 3.11 The following is an email sent to the case officer before determination of the application and succinctly sets out the relationships:

"I understand from your recent site visit that you have raised a query over the impact of the proposed accessway at the above site on the amenities of the adjacent houses. I would be very interested to

understand the nature of your concern so that we can address them directly.

In the meantime we have recently revisited the site and can confirm that the layout of the two neighbouring properties is as the following:

55 Frogmore Lane - this property has two small windows on the side elevation as shown in photo 1 attached. These two windows serve a small office (photo 2) and a secondary window to a ground floor bedroom. The basic layout of this property is that it is a three bedroom dwelling.

57 Frogmore Lane - this bungalow has three windows on the elevation facing the accessway, comprising a bathroom, doorway and secondary kitchen window (photo 3).

You will note that there are level changes between these two dwellings - no 57 is higher by some ???m then no 55 as evidenced by the presence of a retaining wall. The proposed access will be at the level of no 55 and as such the driveway will be lower than the ground floor of no 57.

There are therefore no primary habitable room windows on the flank elevation of either dwelling facing the accessway.

I hope that the above and attached help clarifies matters. If you have any queries with regard to ongoing impact then please feel free to contact me direct"

(Note that the email, in error, switched the property addressed which should be read 55 for 57 and vice versa)

3.12 The email attached photographs that are provided below:



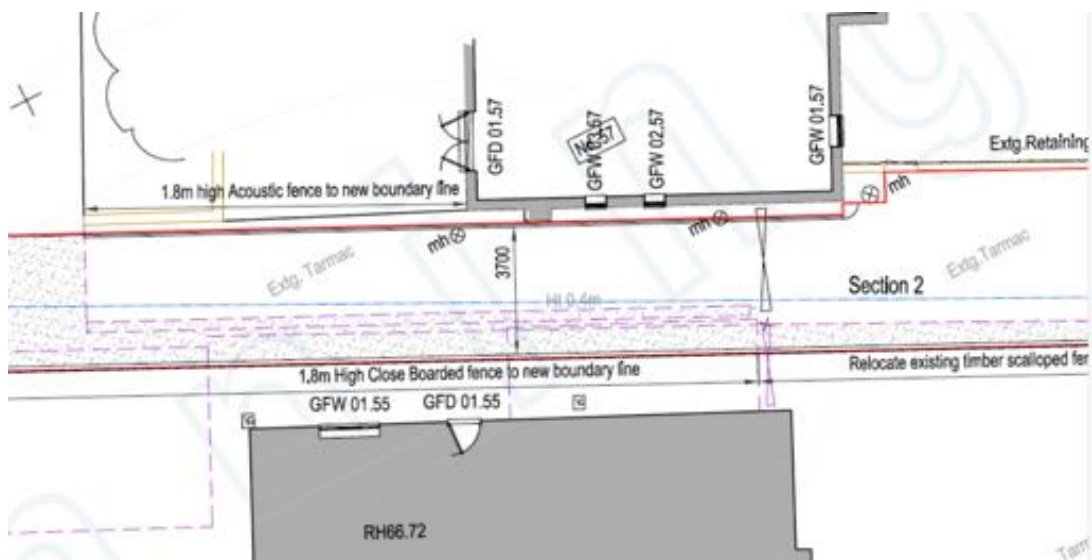
Side of No.57 Frogmore Lane



Side/rear of No.55 Frogmore Lane



Small office No.57 Frogmore Lane



- 3.13 The above extract from the submitted drawings shows the positions of openings as referred to earlier. It will be noted that acoustic fencing is proposed along the boundary with No.55 in front of the side openings. Acoustic fencing would be provided to the rear garden of No.57 which has only small openings in the side elevation which are either secondary or not to primary accommodation.
- 3.14 The appellants consider that with the proposed screening, the amenities of the adjacent residents would not be unacceptably harmed by the limited traffic movements involved with four new dwellings. However, once again, they were open to give consideration to other means of protecting the amenity. In particular, consideration could have been to the continuance of acoustic fencing in front of the small windows to No.57. As a last resort it would have been possible to discuss works to No.57 possibly involving the closing off of the two side windows with internal space reconfigured to reuse the office space for other purposes. Such opportunity was not afforded by the LPA.

REASON: Furthermore the proposed dwellings would by reason of their siting, orientation and design be overlooked by properties fronting Yoells Crescent. This would result in a loss of privacy for future residents to rear rooms and private garden areas.

- 3.15 Once again, this element of the refusal appears to be wholly unfounded and places doubts over the credence of the whole decision.



3.16 The relationship of the proposed development to the existing dwellings to the rear on Yoells Crescent is not considered to, in any way, be unusual. The properties on Yoells Crescent are established 2 storey dwellings, some with single storey rear extensions. Of course, rear windows will look towards the rear gardens of the proposed dwellings; this is normal and is generally acceptable provided that the rear gardens of the Yoells Crescent dwellings are not below the acceptable depth and provided that the rear of the existing and proposed dwellings are sufficiently separated.

3.17 The Inspector's attention is drawn to the Council's adopted Residential design guide which refers to the relationship of new to existing developments. Para.5.05 states:

"In order to maintain a reasonable relationship between new dwellings and neighbouring properties, the following minimum distances should apply:

- Where windows of the new development and an existing dwelling occur back-to-back there should be a minimum of 20 metres separation"*

3.18 The plan below provides approx. distances for the proposed development:



- 3.18 The proposed dwellings are situated to provide separation distances in excess of the design guide requirements such that the reason for refusal is both unsupportable and should not have been included in the decision.



- 3.19 Further to the more than adequate separation distances the proposed properties would be set below the level of the dwellings on Yoells Crescent resulting in increased privacy in both directions.

4. CONCLUSION

- 4.1 The principle of developing the back gardens of the properties on this side of Frogmore Lane is well established with the development of and extension to Willowside. It is the appellants' understanding that the LPA considers the site to be 'developable'.
- 4.2 Due to a 'ransom strip' situation the land (which represents the last developable area in this location) cannot be accessed from Willowside. The access between Nos 55 and 57 Frogmore Lane is the largest available gap and is sufficiently wide to provide an accessway up to Highway Authority required standards.
- 4.3 At 21 dwellings to the hectare the site is not 'cramped'. Car parking is provided to the LPA standards with provision for 2 visitor spaces to take account of the relatively long private drive.
- 4.4 The retention of off-site trees has been specifically designed into the layout.
- 4.5 The impact of traffic movements resulting from the small number of dwellings proposed would not be harmful to the amenities of the existing frontage properties. Acoustic fencing is proposed to gardens which could be extended by condition to the front elevation of No.57 Frogmore Lane. Nonetheless the existing affected windows do not serve critical accommodation and the impact is no felt to be such as to warrant refusal of permission.

- 4.6 The location and separation of the proposed dwellings from the existing development on Yoells Crescent meets the LPA's own adopted standards and the development should not have been refused on this ground.
- 4.7 For all of the above reasons, and to release this land to provide much needed housing without unacceptable harm to the local environment, the Inspector is respectfully requested to allow this appeal.