
Appeal Decision

Site visit made on 3 April 2018

by S J Buckingham BA (Hons) DipTP MSc MRTPI FSA

an Inspector appointed by the Secretary of State

Decision date: 30th April 2018

Appeal Ref: APP/X1735/W/17/3188519

1 Maylands Road, Bedhampton, Havant P09 3NP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Preston Carvalho against the decision of Havant Borough Council.
 - The application Ref APP/17/00753, dated 11 July 2017, was refused by notice dated 18 September 2017.
 - The development proposed is outline application for the construction of 5 No. detached dwellings following demolition of existing dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development has changed from that given on the original application, with the agreement of the parties. I have followed the amended description in this decision as it is clearer.
3. The application is in outline, with approval sought for access, layout and scale, while appearance and landscaping are reserved matters. Although plans have been submitted showing the elevations of the proposed dwellings, as this is a reserved matter, I have considered them on the basis that they are indicative only.
4. A signed and dated Unilateral Undertaking has been submitted in respect of the appeal development. I turn to consideration of this below.

Main Issues

5. The main issues in this case are:-
 - the effect of the development on the character and appearance of the area;
 - the effect on the living conditions of neighbouring occupiers; and
 - Whether adequate mitigation has been made for the effects on the Solent SPA.
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Reasons

Character and Appearance

6. The appeal site currently consists of a large detached dwelling in a large corner plot, prominently located on a bank above the corner of Maylands Road and Portsdown Hill Road. The buildings itself is unexceptional architecturally, and is set towards the centre of its plot, with large gardens to the front and side.
7. The area around it is largely of detached and semi-detached houses, of varying design, and closely spaced but with a relatively consistent pattern of front gardens and generous rear gardens which, along with mature planting and grassed verges create an open and green suburban character.
8. The appeal proposal is to demolish No. 1 and replace it with five detached, three and four bedroom dwellings with garages and parking facilities, and set along a shared access drive running into the site.
9. The houses would be relatively large, and would be closely spaced along the access drive, with the gardens of four of the dwellings set at the periphery of the site. This cul-de-sac layout would be anomalous within the area, and the number and siting of the buildings would create an unusually high proportion of buildings to open space within the plot. These factors would combine to create a cramped and overdeveloped appearance. Although the access drive and areas of hardstanding could be partially screened with planting, they would overall exacerbate this urbanising effect.
10. There is already a run of domestic fencing along the top of the steep slope up to the site from Portsdown Hill Road, and new boundary treatments could be screened with planting. However, the proximity of House 2 to the corner, and the likely need for fencing to secure the privacy of its garden area would create a long run of high fencing forming an inactive frontage, which would be an anomalous and obtrusive element in the street scene.
11. As the effect overall would therefore, be harmful to the character and appearance of the area, the development would conflict with policy CS16 of the Havant Borough Local Plan (Corse Strategy) 2011 (the LP), which seeks development which identifies and responds positively to existing features of local character. It would also fail to comply with the requirements of the Borough Design Guide Supplementary Planning Document 2011, in respect of securing new development which protects local character.

Living Conditions

12. The neighbouring house at No. 2 Portsdown Hill Road sits at a much lower level than the appeal site, and is separated from it by a retaining wall with fencing and hedging on top. The existing dwelling is set at some distance from this boundary while the proposed House 5 would be within a few metres of it. Although it need not have windows on the flank elevation facing No. 2, it would present a large elevation close to and rising a number of metres above No. 2 and its garden. It would therefore have potential to harm the outlook from and light levels reaching that house. In the absence of any evidence convincingly to demonstrate that there would be no harm, I conclude that there is a real prospect of harm to the living conditions of the occupiers of No.2.

13. However, given the degree of separation between proposed House 1 and the adjacent dwelling at No. 1a Maylands Road and their similar ground levels, I conclude that there would not be an unneighbourly effect on light, outlook or levels of privacy in relation to No. 1a.
14. Notwithstanding this, however, in respect of the harm I have identified in relation to No. 2 Portsdown Hill Road, I find that the development would conflict with the requirements of policy CS16 of the Local Plan in respect of resisting development which would cause unacceptable harm to the amenity of neighbours.

Solent SPA

15. The Solent SPA provides feeding grounds for internationally protected populations of overwintering waders and wildfowl, which are particularly susceptible to disturbance arising from recreational pressure within the area. This would be exacerbated by the provision of additional dwellings in the wider area. The Council has identified the consequent need for a contribution towards the mitigation against such increased residential pressure on the SPA and refused the planning application due to the lack of an undertaking to make such a contribution.
16. A signed and dated Unilateral Undertaking (UU) has now been submitted, covenanting a payment on the part of the appellant in relation to the Solent Recreation Mitigation Project. As, however, I have concluded that, for other reasons, the appeal should be dismissed for other reasons, it is not necessary to reach a conclusion on whether the UU meets the tests set out in Paragraph 204 of the National Planning Policy Framework.

Conclusion

17. For the reasons given above, therefore, I conclude that the appeal should be dismissed.

S J Buckingham

INSPECTOR