



TOWN & COUNTRY PLANNING ACT 1990

APPEAL BY: MR FRY

LOCATION: 9 ST ALBANS ROAD, HAVANT, PO9 2JP

PROPOSAL: Demolition of the existing single storey side extension to be replaced with a two-storey side extension and the erection of 1No. 2 bed dwelling. Provision of four car parking spaces with the existing access widened to facilitate this off Dunhurst Close.

APPEAL REF: APP/X1735/W/21/3287626

COUNCIL REF: APP/20/00470

APPELLANTS RESPONSE TO LPA STATEMENT OF CASE

The Council acknowledges that they have a housing shortage (3.9-year supply) as such the in-principle acceptance of the development is a significant factor in the determination of this proposal. One that has been given far less weight than policy dictates.

The site is sustainably and accessibly located and is within an established residential area. Further it would make efficient use of previously developed land. All of which should have been put forward in favour of the development.

The Council states that the development is out of character, however as demonstrated in the appeal statement the proposal is very much in keeping with the existing pattern and form of development. Including, height, scale and design. In addition, the siting and layout of the proposed dwelling follows that of other terraced dwellings along St Albans Road.

The Council states that a single dwelling would be a modest addition to the Borough's housing need and applies limited weight (para. 5.21) and then confirms that it would provide a public benefit and help to meet housing need, taking the pressure off finding greenfield land (paras. 3.30 – 5.32). This contradictory balance just further undermines the Council's reasoning and justification to refuse.

The Council has failed to acknowledge that cumulatively, windfall sites such as this, offer a significant opportunity to efficiently develop land within the Borough, collectively helping to contribute towards the Council's acknowledged housing deficit. Far greater weight should therefore be attributed to this element of the appeal.

At para 6.2 the Council goes on to quote para. 69 of the NPPF, which recognises that smaller sites such as this are often built out very quickly, offering a much more effective delivery towards housing supply. However, despite acknowledging this they still do not attribute significant weight in favour of the development. Despite all the benefits listed in their paragraph 5.34.

Much weight is given to insufficient amenity provision however the site provides 64 square metres of usable garden for a two-bedroom dwelling and 80 square metres for the three-bedroom dwelling. These garden sizes are reflective of many other garden sizes in the immediate area, all of which vary significantly in size (see aerial photos within the appeal statement). Further the gardens are further supported with various recreational facilities within Leigh Park and Havant.

The private garden spaces are more than sufficient to meet the passive recreational requirements of a 2 bedroom and three-bedroom dwelling and is comparable to garden sizes in the immediate vicinity.

The Council's adherence to the provision of a 10-metre garden depth fails to accept parameters provided within permitted development provision that sees these guided depths reduced to a much lesser amount whilst still providing sufficient space for private family recreational space. These include the examples provided in the appeal statement where a house with a 10m garden could be reduced to 6-7m (and sometimes greater) under the ability to extend

under permitted development provisions. This should have been a material planning consideration in favour of the development. Depth clearly does not dictate the usability of the space, regard must be given to the overall space, including width and square footage, as well as the size of the dwelling the amenity space serves.

In this instance the 8m garden depth relates to a two-bedroom dwelling, and with a garden width of 8m, more than provides a good, size usable garden space for a small family.

It is noted that at para. 6.2 the Council introduces residential amenity as a matter of harm, in support of the tilted balance, yet this is not included on the decision notice. Are they therefore seeking to introduce an additional reason for refusal at this late stage? This would be clearly unreasonable to do so and at no point has been justified within either the officer report or appeal statement.

Having regard to the above information, the Council's own statement of case and the appellants statement it cannot be demonstrated that the proposal is out of keeping with the built form of the area. Sufficient amenity space is provided for the dwellings. Of interest the Council has not explained why it is not, other than a single 10 metre depth measurement taken from guidance. Further, there is significant weight that weighs in favour of housing delivery (accepted by the LPA) none of which is overridden by the unjustified harm specified.

The Inspector is therefore respectfully requested to allow the appeal proposal.

APPELLANT RESPONSE TO SUGGESTED CONDITIONS

In the main no objection is raised in respect of the suggested planning conditions, provided the Inspector agrees that the conditions tests are met for each condition imposed. The only specific comments relate to suggested conditions 6 and 7.

Condition 6 – The wholesale removal of permitted development entitlement should be avoided according to the NPPF and NPPG. For each element removed there should be clear justification for why that provision is removed. The LPA has not provided any such reasoning and as such the tests for such a condition have not been met.

However, in the interests of co-operation and to account for the concerns raised by the LPA in the decision it would be agreed that provision allowed by Schedule 2, Part 1, Class A should be removed, to ensure that appropriate garden space is retained for the proposed and retained dwelling.

Condition 7 – The LPA has not provided any justification for the imposition for such a condition and neither policy referred to requires such a provision to be secured by condition.